

or packed therewith so as to increase its bulk or weight, reduce its quality or strength, or make it appear better or of greater value than it was.

On December 20, 1940, the lot seized at Cincinnati was ordered distributed to various charitable organizations in view of the fact that it would become spoiled and unfit for human consumption unless disposed of immediately. On December 30, 1940, the lot seized at Louisville having been found to be decomposed and unfit for human consumption, and no claimant having appeared, judgment of condemnation was entered and immediate destruction was ordered.

1949. Adulteration of canned oysters. U. S. v. 742 Cases of Canned Oysters. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of the unfit portion. (F. D. C. No. 4802. Sample Nos. 49202-E, 58036-E.)

Examination of this product showed the presence of decomposed oysters. It also contained pieces of shell.

On May 19, 1941, the United States attorney for the District of Minnesota filed a libel against 742 cases of canned oysters at St. Paul, Minn., alleging that the article had been shipped in interstate commerce on or about April 22, 1941, by the Southern Shell Fish Co. from Biloxi, Miss.; and charging that it was adulterated. The article was labeled in part: (Cans) "Home Brand Cove Oysters."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed substance; in that an article containing shell fragments had been substituted wholly or in part for oysters, which it purported to be; and in that shell fragments had been mixed or packed therewith so as to reduce its quality.

On June 11, 1941, the Southern Shell Fish Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for segregation and destruction of the portion that was decomposed and contained shells.

1950. Adulteration of canned clams. U. S. v. 23 Cases of Canned Clams. Default decree of condemnation and destruction. (F. D. C. No. 4075. Sample No. 47048-E.)

This product was partly decomposed.

On March 27, 1941, the United States attorney for the Eastern District of Wisconsin filed a libel against 23 cases of canned clams at Milwaukee, Wis., alleging that the article had been shipped in interstate commerce on or about February 12, 1941, by Burnham & Morrill Co. from Portland, Maine; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "B & M Scarboro Beach Clams."

On May 7, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

MISCELLANEOUS

1951. Adulteration and misbranding of canned mackerel. U. S. v. 625 Cases of Canned Mackerel. Consent decree of condemnation. Product released under bond for relabeling. (F. D. C. No. 4634. Sample No. 32795-E.)

This product contained excessive packing medium.

On May 5, 1941, the United States attorney for the Eastern District of Pennsylvania filed a libel against 625 cases of canned mackerel at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about April 4, 1941, by the Sunrise Packing Co. from Los Angeles, Calif.; and charging that it was adulterated and misbranded. The article was labeled in part: (Cans) "Dixie Prize Brand Mackerel."

The article was alleged to be adulterated in that packing medium had been substituted wholly or in part for mackerel. It was alleged to be misbranded in that its container was so made, formed, or filled as to be misleading.

On June 10, 1941, the California Marine Curing & Packing Co., Inc., of Newport Beach, Calif., having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be properly relabeled.

1952. Adulteration of frozen red perch fillets. U. S. v. 197 Boxes of Red Perch Fillets. Consent decree of destruction. (F. D. C. No. 2499. Sample No. 16311-E.)

Examination of this product showed the presence of parasites.

On or about August 6, 1940, the United States attorney for the Northern District of Oklahoma filed a libel against 197 boxes of red perch fillets at

Tulsa, Okla., alleging that the article had been shipped in interstate commerce on or about July 23, 1940, by the Slade Gorton Co. from Boston, Mass.; and charging that it was adulterated for the reasons appearing above. The article was labeled in part: "10 Lbs. Red Perch Fillets * * * Deep Sea Brand T. & J. Busalacchi Inc. Boston, Mass."

On August 6, 1940, John A. Wooten, Tulsa, Okla., claimant, having consented to the entry of an order of destruction, judgment was entered ordering the product turned over to the zoo for food for the animals.

1953. Adulteration of frozen whiting. U. S. v. 235 Boxes of H. & G. Whiting. Default decree of condemnation and destruction. (F. D. C. No. 3347. Sample No. 31863-E.)

Examination of this product showed the presence of decomposed fish.

On November 15, 1940, the United States attorney for the Northern District of Illinois filed a libel (amended January 22, 1941) against 235 boxes of whiting at Chicago, Ill., alleging that the article had been shipped on September 17, 1940, by Gloucester Seafoods Corporation from Gloucester, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On January 28, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1954. Adulteration of stockfish. U. S. v. 284 Bundles of Stockfish. Consent decree of condemnation. Product ordered released under bond for re-export. (F. D. C. No. 3678. Sample Nos. 31070-E, 31792-E.)

Examination of this product showed that it was in part decomposed.

On January 14, 1941, the United States attorney for the Western District of Washington filed a libel against 284 bundles of stockfish at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about January 2, 1941, by P. V. Bright & Co. from Chicago, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. This shipment consisted of goods which had been imported and rejected by the importer. The article was labeled in part: "Stock Fish Product of Japan."

On May 2, 1941, P. V. Bright & Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be exported to Japan.

1955. Misbranding of sardines. U. S. v. 99 and 51 Cases of Canned Sardines. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 2351. Sample Nos. 1990-E, 1991-E.)

Examination of this product showed that the fish occupied on an average about 66 percent of the space in the can.

On July 11, 1940, the United States attorney for the Eastern District of Virginia filed a libel against 150 cases of canned sardines at Richmond, Va., alleging that the article had been shipped in interstate commerce on or about May 18 and 22, 1940, from Ellsworth and Waukeag, Maine, by the Stinson Canning Co.; and charging that it was misbranded in that its containers were so made, formed, or filled as to be misleading. The article was labeled in part: (Can) "Beach Cliff Brand Net Weight 3¼ Ozs."

On February 21, 1941, the Stinson Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled in a manner complying with the law.

FRUITS AND VEGETABLES

CANNED FRUITS

1956. Adulteration of canned blackberries. U. S. v. 249 Cartons of Canned Blackberries. Default decree of condemnation and destruction. (F. D. C. No. 3354. Sample No. 21855-E.)

Examination of this product disclosed the presence of moldy berries.

On November 6, 1940, the United States attorney for the Northern District of California filed a libel against 249 cartons, each containing 6 No. 10 cans, of blackberries at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about September 14, 1940, by Midfield Packers from Olympia, Wash.; and charging that it was adulterated in that it consisted wholly