

On June 11, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2433. Adulteration of canned fried frog legs. U. S. v. 2 Cases of Canned Fried Frog Legs. Default decree of condemnation and destruction. (F. D. C. No. 5429. Sample No. 54056-E.)

Examination showed this product to be underprocessed and undergoing progressive decomposition.

On August 22, 1941, the United States attorney for the Eastern District of Pennsylvania filed a libel against 2 cases of canned fried frog legs at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about April 6, 1941, by the Nomis Corporation from Jacksonville, Fla.; 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) "Penguin Brand * * * Fried Frog Legs."

On September 29, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2434. Adulteration and misbranding of canned mackerel. U. S. v. 125 Cases of Canned Mackerel. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 4633. Sample No. 56304-E.)

Examination of this product showed that it contained excessive packing medium.

On May 6, 1941, the United States attorney for the Southern District of New York filed a libel against 125 cases, each containing 48 cans, of mackerel at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about April 10, 1941, by Sea Pride Packing Corporation from Terminal Island (San Diego), Calif.; and charging that it was adulterated and misbranded. It was labeled in part: (Cans) "Sultana Mackerel Water and Salt Added Net Weight 15 Ozs."

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 July 1, 1941, the California Marine Curing & Packing Co., Terminal Island, Calif., claimant, 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.

2435. Adulteration of canned salmon. U. S. v. 457 Cases and 16 Cases of Canned Salmon. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 4507. Sample Nos. 60747-E, 60749-E.)

Samples of this product were found to be decomposed.

On April 28, 1941, the United States attorney for the Western District of Washington filed a libel against 457 cases each containing 48 1-pound cans, and 16 cases each containing 48 ½-pound cans, of salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about March 31, 1941, by the Alaska Packers Association from Alameda, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The cases were labeled in part: "Red Slack" or "Red Slacks Halves."

On July 8, 1941, Morris Muskatell, Seattle, Wash., having appeared as claimant, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration.

2436. Adulteration and misbranding of canned sardines. U. S. v. 861 Cases of Sardines. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 5803. Sample No. 74504-E.)

These sardines were not packed in pure olive oil as represented, but were packed in oil which consisted largely of an oil or a mixture of oils other than olive oil, containing little or no olive oil.

On September 23, 1941, the United States attorney for the Southern District of New York filed a libel against 861 cases of sardines at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 15, 1941, by the Addison Packing Co. from Ellsworth, Maine; and charging that it was adulterated and misbranded. It was labeled in part: (Tins) "Buoy Brand Sardines in Pure Olive Oil Seeman Brothers, Inc., Wholesale Distributors, New York, N. Y."

The article was alleged to be adulterated in that a valuable constituent, olive oil, had been in whole or in part omitted therefrom; and in that sardines in an oil other than olive oil had been substituted for sardines in pure olive oil, which it purported to be.

It was alleged to be misbranded in that the statement "in Pure Olive Oil" was false and misleading as applied to an article packed in an oil that contained little or no olive oil.

On October 11, 1941, Frank H. Reynolds, trading as B. O. Bowers Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for proper relabeling under the supervision of the Federal Security Agency.

2437. Adulteration of fish roe. U. S. v. 3 Unlabeled Barrels of Fish Roe. Default decree of condemnation and destruction. (F. D. C. No. 5031. Sample No. 69703-E.)

Examination showed that this product contained parasitic worms, cysts, and fish scales.

On June 30, 1941, the United States attorney for the Southern District of New York filed a libel against 3 unlabeled barrels containing approximately 1,000 pounds of fish roe at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about June 2, 1941, by La Pond Fisheries from Two Rivers, Wis.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On September 10, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

FRUITS AND VEGETABLES

FROZEN CHERRIES

2438. Adulteration and misbranding of frozen cherries. U. S. v. 122 Cans of Cold Pack Cherries. Consent decree of condemnation. Product ordered released under bond for reconditioning. (F. D. C. No. 5345. Sample No. 47490-E.)

Examination showed that this product had a pronounced phenolic odor and the top layer of cherries and undissolved sugar on the surface had a phenolic taste. Furthermore, the label did not declare the presence of sugar in the product.

On or about August 19, 1941, the United States attorney for the Northern District of Illinois filed a libel against 122 cans of cold pack cherries at Chicago, Ill., alleging that the article had been shipped on or about July 10, 1941, by M. W. Miller & Co. from Sturgeon Bay, Wis.; and charging that it was adulterated and misbranded. It was labeled in part: "All Star Brand Cherries Red Tart Pitted 30 Lbs. Net When Packed."

The article was alleged to be adulterated in that it was unfit for food, and in that sugar had been substituted wholly or in part for cherries.

It was alleged to be misbranded in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient.

On September 8, 1941, M. W. Miller & Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reconditioning under the supervision of the Food and Drug Administration. In the process of reconditioning the unfit portion was removed from each can and destroyed and the remainder was freed from the phenolic odor.

2439. Adulteration of frozen cherries. U. S. v. 250 Cans and 1,445 Tins of Frozen Cherries. Consent decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 5461, 5660. Sample Nos. 22978-E, 23009-E.)

Examination showed that this product contained maggots.

On August 27 and September 12, 1941, the United States attorney for the Northern District of California filed libels against 250 cans of frozen cherries at San Francisco, Calif., and 1,445 tins of frozen cherries at Sacramento, Calif., alleging that the article had been shipped in interstate commerce on or about August 8 and 9, 1941, by S. A. Moffett Co., from Seattle, Wash.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: "6+1 R. S. P. Cherries 30 Lbs. Net."

On October 7, 1941, S. A. Moffett & Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond