

of a decomposed substance. The article was labeled in part: (Cans) "Pkd. by J. W. Coss & Co. Whole Egg * * * Itn'l Stock Yds. Ill."

On February 20, 1942, Madison Baking Co., Brooklyn, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation and destruction of the unfit portion under the supervision of the Food and Drug Administration. On March 4, 1942, the decree was amended to permit denaturing of the unfit portion and sale of same for use in the tanning of leather.

3281. Adulteration and misbranding of frozen egg yolk. U. S. v. 40 Cans, 100 Cans, and 25 Cans of Frozen Egg Yolk. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 7033. Sample Nos. 76787-E, 76788-E, 76789-E.)

This product did not consist solely of yolk with 10 percent of sugar as indicated by its label, but contained added egg whites.

On April 8, 1942, the United States attorney for the District of Minnesota filed a libel against 165 30-pound cans of frozen egg yolks at St. Paul, Minn., alleging that the article had been shipped in interstate commerce on or about May 12, June 4, and July 17, 1941, by Rothenberg & Schneider Bros., Inc., from Chicago, Ill.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that a mixture of egg yolks, added egg whites, and approximately 10 percent of sugar had been substituted for yolks with approximately 10 percent of sugar, which it purported to be.

It was alleged to be misbranded in that the statement "Yolks with approximately 10% sugar" was misleading as applied to a mixture of egg yolks, added egg whites, and approximately 10 percent of sugar since it failed to reveal the material fact that the article contained egg whites.

On April 24, 1942, Rothenberg & Schneider Bros., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

3282. Adulteration of frozen egg yolks. U. S. v. 77 Cans of Frozen Egg Yolks. Consent decree of condemnation. Product ordered released under bond to be reconditioned. (F. D. C. No. 6768. Sample No. 72092-E.)

On January 27, 1942, the United States attorney for the Southern District of California filed a libel against 77 30-pound cans of frozen egg yolks at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about January 17, 1942, by Mountain States Creamery Co. from Salt Lake City, Utah; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On February 5, 1942, Mountain States Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reconditioned under the supervision of the Food and Drug Administration. The unfit portion was segregated and denatured with kerosene.

3283. Adulteration and misbranding of frozen egg yolks. U. S. v. 99 Cans and 200 Cans of Frozen Egg Yolks. Consent decrees of condemnation. Product ordered released under bond to be relabeled. (F. D. C. Nos. 6810, 6857. Sample Nos. 76587-E, 76596-E.)

Examination showed that this product contained added egg whites and less than 43 percent of total egg solids.

On February 5 and 11, 1942, the United States attorney for the District of Minnesota filed libels against 99 30-pound cans of frozen egg yolks at Minneapolis, and 200 30-pound cans of frozen egg yolks at St. Paul, Minn., alleging that the article had been shipped in interstate commerce on or about July 16 and September 2, 1941, by Rothenberg & Schneider Bros. from Chicago, Ill.; and charging that it was adulterated and misbranded. It was labeled in part: "Yolks With Approx 10% Sugar."

The article was alleged to be adulterated in that a mixture of egg yolks, added egg whites, and approximately 10 percent sugar had been substituted for yolks with approximately 10 percent sugar, which it purported to be.

It was alleged to be misbranded (1) in that the statement "Yolks With Approx 10% Sugar" was false and misleading as applied to a mixture of egg yolks, added egg whites, and approximately 10 percent sugar; and (2) in that it purported to be a food for which a definition and standard of identity had been prescribed by regulations as provided by law, but it failed to conform to such definition and standard because it contained less than 43 percent total egg solids.

On March 20, 1942, Rothenberg & Schneider Bros., Inc., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

FISHERIES PRODUCTS

FROZEN FISH AND SHELLFISH

3284. Adulteration of perch fillets. U. S. v. Thomas Slade Gorton, Jr. (Slade Gorton Co.). Plea of guilty. Fine, \$200. (F. D. C. No. 4167. Sample No. 16311-E.)

This product was found to be in part infested with parasites.

On October 20, 1941, the United States attorney for the District of Massachusetts filed an information against Thomas Slade Gorton, Jr., trading as Slade Gorton Co. at Boston, Mass., alleging shipment in interstate commerce on or about July 20, 1940, from the State of Massachusetts into the State of Oklahoma of a quantity of perch fillets that were adulterated in that they consisted in whole or in part of a filthy substance. The article was labeled in part: "Red Perch Fillets * * * Deep Sea Brand * * * T. & J. Busalacchi Inc. Boston, Mass."

On April 23, 1942, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$200.

3285. Adulteration of ocean perch, haddock, pollack, and whiting. U. S. v. 890 Boxes of Frozen Haddock Fillets (and 3 other seizure actions against fish). Decrees of condemnation. Portion of product ordered destroyed; remainder ordered released under bond for segregation and destruction of unfit portion. (F. D. C. Nos. 5586, 5587, 6107, 7095. Sample Nos. 29640-E, 49916-E, 65596-E, 65832-E, 87767-E.)

Examination of these products showed the presence of decomposed fish in the haddock, pollack, and whiting, and of parasitized fish in the ocean perch.

Between August 29, 1941, and March 25, 1942, the United States attorneys for the Southern District of Texas, Northern District of Ohio, and the District of Maryland filed libels against 77 20-pound cartons of pollack at Houston, Tex.; 855 15-pound boxes of H & G whiting at Cleveland, Ohio; and 500 20-pound cartons of ocean perch fillets at Baltimore, Md., alleging that the articles had been shipped in interstate commerce within the period from on or about May 27 to on or about September 9, 1941, for the 40-Fathom Fish Co. from Boston, Mass. On August 29, 1941, the United States attorney for the District of Colorado filed a libel against 890 20-pound cartons of haddock fillets at Denver, Colo., which had been consigned by the 40-Fathom Fish Co. from Boston, Mass., on or about June 30, 1941. The articles were labeled in part variously: (Boxes) "40-Fathom Quick Frozen Fish * * * Skinless Had. Fillets," "Beacon Skinless Pollock," "Frozen H & G Whiting Fish," and "Ocean Perch Fillets."

They were alleged to be adulterated in that the haddock, pollack, and whiting consisted in whole or in part of decomposed substances, and the ocean perch consisted in whole or in part of a filthy substance.

On October 20 and December 3, 1941, no claimant having appeared for the pollack and whiting located at Houston and Cleveland, judgments of condemnation were entered and the products were ordered destroyed. On September 26, 1941, and April 17, 1942, the 40-Fathom Fish Co. having appeared as claimant for the ocean perch and haddock located at Baltimore and Denver, and having admitted the allegations of the libels and consented to the entry of decrees, judgments of condemnation were entered and the products were ordered released under bond conditioned that the fit portion be segregated from the unfit and that the latter be destroyed under the supervision of the Food and Drug Administration.

3286. Adulteration of red perch fillets, haddock fillets, ocean perch fillets, cod fillets, and whiting. U. S. v. 2 Boxes of Red Perch Fillets (and 5 other seizure actions against frozen fish). Default decrees of condemnation and destruction. (F. D. C. Nos. 5440, 5441, 5589, 5627, 5740, 5747. Sample Nos. 29627-E, 42475-E, 42478-E, 50278-E, 50279-E, 64304-E, 64309-E, 64317-E, 64319-E, 64324-E, 64330-E.)

Examination showed the presence of decomposed fish in portions of these products and of parasitized fish in the remainder.

Between August 23 and September 12, 1941, the United States attorneys for the District of Maryland, Western District of Pennsylvania, and the Northern District of Ohio filed libels against 8 16-pound boxes of red perch fillets at Baltimore, Md.; 134 15-pound boxes of haddock fillets, 9 5-pound boxes of ocean perch fillets, 21