MISCELLANEOUS

3297. Adulteration of dried salt codfish. U. S. v. 156 Boxes and 28 Crates of Codfish. Default decree of condemnation and destruction. (F. D. C. No. 6867. Sample Nos. 22792–E to 22795–E, incl.)

Examination of this product showed the presence of brown-spot mold and reddening spoilage due to the growth of red bacteria.

On February 16, 1942, the United States attorney for the Northern District of California filed a libel against 86 30-pound boxes, 67 25-pound boxes, and 3 100-pound boxes, and 28 crates each containing 12 1-pound boxes of codfish at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about December 19, 1941, by Joseph L. Sclafani from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance. The article was labeled in part: "Gaspe Export Regd. Barachois, Quebec."

On April 4, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

3298. Adulteration of pickled herring. U. S. v. 9, 5, and 8 Jars of Pickled Herring. Default decrees of condemnation and destruction. (F. D. C. Nos. 7046, 7047. Sample Nos. 64821–E, 64822–E.)

Examination of this product showed the presence of decomposed fish.

On March 17, 1942, the United States attorney for the Northern District of Ohio filed libels against 22 gallon jars of pickled herring at Youngstown, Ohio, alleging that the article had been shipped in interstate commerce on or about February 11 and 26, 1942, by Nova Scotia Salt Fish Co., Inc., from New York, N. Y.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. Five gallons of the article were labeled in part: "Pep-E Pickled Sardines * * * Contents 1 Gal. Packed By Albert Adelman Detroit, Mich."

On April 13, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

3299. Adulteration of smoked herring. U. S. v. 185 Boxes of Smoked Herring. Default decree of condemnation and destruction. (F. D. C. No. 6766. Sample No. 90555–E.)

Examination of this product showed the presence of decomposed fish.

On January 28, 1942, the United States attorney for the District of Massachusetts filed a libel against 185 boxes of smoked herring at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about December 17, 1941, by Richter Bros. from New York, N. Y.; 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: (Boxes) "Kilty Smoked Herring Nova Scotia Salt Fish Co. Rockville Yarmouth Co., N. W."

On April 27, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

3300. Adulteration of canned salmon. U. S. v. 424 Cases of Canned Salmon. Consent decree of condemnation and destruction. (F. D. C. Nos. 4261 to 4264, incl. Sample Nos. 60715–E to 60717–E, incl., 60720–E to 60722–E, incl.)

Samples of this product were found to be decomposed.

On April 8, 1941, the United States attorney for the Western District of Washington filed a libel against 424 cases, each containing 48 cans, of salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about September 22, 1940, by Morris Muskatell from Port Althorp, Alaska; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. Portions of the article were labeled in part: (Cans) "M and J Brand Salmon" or "Nico Brand Alaska Pink Salmon." The remainder was unlabeled.

On August 4, 1941, Morris Muskatell, claimant, filed an answer admitting the allegations of the libel and requesting permission to segregate and recondition the product. The United States attorney, having appeared in opposition, the court after hearing the evidence found that the product was a part of a shipment of salmon that the Government had formerly attempted to seize but had been prevented by the claimant's hiding and secreting it and that, because of such attempt, the request of the claimant for release of the goods should be denied. Judgment of condemnation and destruction was thereupon entered.

On August 5, 1941, the court granted a stay of execution and on August 19, 1941,