On January 25, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4603. Adulteration of frozen eggs. U. S. v. 269 Cans of Frozen Eggs. Consent decree of condemnation. Product ordered released under bond for segregation and destruction or denaturing of the unfit portion. (F. D. C. No. 8636. Sample Nos. 18123–F, 18124–F.)

On October 23, 1942, The United States attorney for the District of New Jersey filed a libel against a total of 269 cans of frozen eggs at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about October 5 and 13, 1942, by Marshall Kirby & Co., of New York, N. Y., from Brooklyn, 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: "Whole Eggs."

On January 23, 1943, Marshall Kirby & Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for separation of the fit portion from the unfit portion and destruction or denaturing of the unfit portion, under the supervision of the Food and Drug Administration.

4604. Adulteration of spray-dried whole eggs. U. S. v. 46 Barrels of Spray Dried Whole Eggs. Consent decree of condemnation. Product ordered released under bond for sale as animal feed. (F. D. C. No. 8921. Sample No. 20818–F.)

On December 15, 1942, the United States attorney for the Western District of New York filed a libel against 46 160-pound barrels of spray-dried whole eggs at Arcade, N. Y., alleging that the article had been shipped and delivered for shipment in interstate commerce on or about the latter part of October, 1942, by the Borden Co.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On February 9, 1943, the Borden Co., claimant, having admitted that the article was adulterated, judgment of condemnation was entered and the product was ordered released under bond for sale to a manufacturer of animal feed.

FISH AND SHELLFISH

4605. Adulteration of frozen fish fillets. U. S. v. T. & J. Busalacchi, Inc. Plea of guilty. Fine, $75. (F. D. C. No. 7717. Sample Nos. 62466–E, 64887–E, 80801–E, 86548–E.)

This product contained parasites, i. e., Copepods.

On November 10, 1942, the United States attorney for the District of Massachusetts filed an information against T. & J. Busalacchi, Inc., a corporation, at Boston, Mass., alleging shipment on or about April 2 and May 18, 1942, from the State of Massachusetts into the States of Pennsylvania and Illinois of a quantity of frozen fish that was adulterated in that it consisted in whole or in part of a filthy substance. The information alleged further that on or about March 12, 1941, the defendant gave to the Slade Gorton Co. a guaranty that all food products delivered by the defendent to said company would be neither adulterated nor misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act; that on or about April 2, 1942, the defendant sold and delivered quantities of fish fillets to Slade Gorton Co. which were, on or about April 7, 1942, shipped by the purchaser in interstate commerce from the State of Illinois into the State of Michigan. The information charged further that the defendant, in violation of said act, gave a guaranty which was false since the fish so sold and delivered was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Fish Fillets Deep Sea Brand."

On December 22, 1942, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $75.

4606. Adulteration of frozen pollack fillets. U. S. v. 213 Boxes of Frozen Pollack Fillets. (F. D. C. No. 8992. Sample No. 1879–F.)

On December 11, 1942, the United States attorney for the Northern District of Illinois filed a libel against 213 15-pound boxes of pollack fillets at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about November 19, 1942, by the Slade Gorton Co., Gloucester, Mass.; 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: (Box) "Pollack Fillets. Packed by Empire Fish Co., Gloucester, Mass."