it consisted wholly or in part of a filthy substance, parasitized and diseased fish, and in that it was in whole or in part a product of a diseased animal. The article was labeled in part: "Cello Ocean Pout * * * Progressive Fillet Co. Gloucester, Mass."

On June 25, 1943, the Booth Fisheries Corporation, having signed authorization for the taking of a final decree, judgment of condemnation was entered and the product was ordered destroyed.

5349. Adulteration of frozen pollock and haddock fillets. U. S. v. 31 Boxes of Pollock Fillets and 9 Boxes of Haddock Fillets. Default decree of condemnation and destruction. (F. D. C. No. 10060. Sample Nos. 36128–F, 36129–F.)

On June 11, 1943, the United States attorney for the District of Colorado filed a libel against 31 boxes of pollock fillets and 9 boxes of haddock fillets at Denver, Colo., which had been consigned by Baxter & Kerr, Inc., alleging that the articles had been shipped in interstate commerce on or about May 17, 1943, from Gloucester, Mass.; and charging that they were adulterated in that they consisted in whole or in part of decomposed substances. The articles were labeled in part: "Pollock Fillets," or "Haddock Fillets Packed by North Shore Fillet Co., Gloucester, Mass. [or "Baxter & Kerr, Inc., Gloucester, Mass."]."

On July 24, 1943, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

5350. Misbranding of spiced rollmops (herring). U. S. v. 74 Cases of Spiced Rollmops (Herring). Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 10146. Sample No. 42915–F.)

This product was short-weight; the average drained weight of the fish was only 4.98 ounces.

On July 10, 1943, the United States attorney for the Western District of Washington filed a libel against 74 cases, each containing 12 jars of the above-named product at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about May 7 and 13, 1943, by P. V. Bright & Co. from Chicago, Ill.; and charging that it was misbranded. The article was labeled in part: (Jars) "Booth Famous Foods Contents 13 Ounces Net Fish 10 Oz. Spiced Rollmops. Herring with Pickle and Wine Sauce Booth Fisheries Corporation Chicago, Ill."

The article was alleged to be misbranded in that the statement "Net Fish 10 Oz." was false and misleading, since the jars contained less than this amount of fish.

On July 30, 1943, the Booth Fisheries Corporation having appeared as claimant and having admitted allegations of the libel and consented to a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

5351. Adulteration of oysters. U. S. v. 5 Cases of Canned Oysters. Default decree of condemnation and destruction. (F. D. C. No. 10163. Sample No. 8137–F.)

On June 29, 1943, the United States attorney for the District of Minnesota filed a libel against 5 cases, each containing 48 cans, of oysters at Cambridge, Minn., alleging that the article had been shipped in interstate commerce on or about May 20, 1943, by the L. C. Mays Company, Inc., from Biloxi, Miss.; 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) "C. C. Brand Oysters * * * Packed by C. C. Company Biloxi, Miss."

On August 16, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5352. Adulteration of canned oysters. U. S. v. 947 Cartons of Canned Oysters (and 2 additional seizure actions against canned oysters). Decrees of condemnation. Product ordered released under bond for reconditioning. (F. D. C. Nos. 10056, 10198, 10245. Sample Nos. 11921–F, 29804–F, 29818–F.)

Between June 9 and July 13, 1943, the United States attorney for the Northern District of California filed 3 libels against a total of 947 cartons and 2,572 cases of canned oysters at San Francisco, Calif., alleging that the article had been shipped in interstate commerce within the period from on or about April 17 to May 11, 1943, by the Tropical Foods Co. from New Orleans, La.; 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) "Tropical Brand Cove Oysters."