Examination of the Metabolator for Sheep showed that it consisted essentially of ground limestone, salt, charcoal, sulfur, and small proportions of iron sulfate, sodium thiosulfate, copper sulfate, sodium bicarbonate, potassium iodide, oil, yeast, and plant material including anise, fenugreek, ginger, and a cereal. The iodine content was not more than 0.038 percent, whereas its label stated that it contained not less than .0625 percent of iodine. It was alleged to be adulterated in that a valuable constituent, iodine, had been in whole or in part omitted or abstracted therefrom. It was alleged to be misbranded in that the statements appearing in its labeling which suggested or implied that the article was vitamized; that it would promote metabolism; that it would make sheep, wool, and mutton production profitable; that it would produce husky lambs; that it would increase the milk flow at lambing time; that it would help the reproductive processes; that it would produce better utilization of food; that it would stimulate the appetite; and that it would produce a fine finish and high-quality carcass were false and misleading since the use of the article would not effect the results suggested or implied by such statements.

The articles, with the exception of the Metabolator for Dairy Cattle, were alleged to be misbranded also under the provisions of the law applicable to drugs as reported in the notices of judgment on drugs and devices.

On December 14 and 22, 1943, the Vitamized Feed Company, claimant, having admitted the material allegations of the libels, judgments of condemnation were entered and the products were ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

FISH AND SHELLFISH

5690. Adulteration and misbranding of frozen eel pout fillets. U. S. v. 143 Cartons of Frozen Eel Pout Fillets (and 3 other seizure actions against frozen eel pout fillets). Default decrees of condemnation and destruction. (F. D. C. Nos. 12309, 12351, 12379, 12436. Sample Nos. 76417–F, 76418–F, 82001–F, 82002–F, 82004–F.)

On May 4, 12, 17, and 26, 1944, the United States attorney for the Southern District of New York filed libels against 193 cartons, each containing 15 pounds, 103 boxes, each containing 15 pounds, and 74 cartons, each containing 20 pounds, of frozen eel pout fillets at New York, N. Y., alleging that the article had been shipped within the period from on or about March 1 to 25, 1944, by the Star Fillet Co., Provincetown, Mass.; and charging that it was adulterated and that some portions were misbranded. One portion was labeled in part: "Skinless Pout Fillet Slade-Gorton Commonwealth Cold Storage Boston Mass." The remainder was unlabeled except for net weight statements punched on the end of the cartons.

All lots were alleged to be adulterated in that the article consisted in whole or in part of a filthy substance since it contained parasitized fish, and in that it was in whole or in part of the product of a diseased animal.

Some portions were alleged to be misbranded in that the article was in package form and failed to bear a label that contained the name and place of business of the packer or distributor, and in that the label failed to bear the common or usual name of the food. Some portions were further misbranded in that the statement "Net Wt. 10 Lbs" was false and misleading as applied to a carton that contained 15 pounds, and in that it was food in package form and failed to bear a label that contained an accurate statement of the quantity of the contents.

On May 27, and June 6 and 12, 1944, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

5691. Adulteration and misbranding of frozen eel pout fillets. U. S. v. 146 Boxes and 132 Cartons of Frozen Eel Pout Fillets. Default decrees of condemnation and destruction. (F. D. C. Nos. 12461, 12462. Sample Nos. 82006–F, 82008–F.)

On or about May 31 and June 9, 1944, the United States attorney for the Southern District of New York filed libels against 146 boxes and 132 cartons, each containing 10 pounds, of frozen eel pout fillets at New York, N. Y., alleging that the article had been shipped on or about May 18 and 23, 1944, by the Dartmouth Fillet Corporation, New Bedford, Mass.; and charging that it was adulterated and that one portion was also misbranded. One lot was unlabeled.

Both lots were alleged to be adulterated in that the article consisted in whole or in part of a filthy substance by reason of the presence of parasitized eel pout

fillets, and in that it was in whole or in part the product of a diseased animal.

One portion of the article was alleged to be misbranded in that it was in package form and failed to bear a label which contained the name and place of business of the packer or distributor; in that it was in package form and failed to bear a label which contained an accurate statement of the quantity of the contents; and in that its label failed to bear the common or usual name of the food.

On June 23 and 26, 1944, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

5692. Adulteration of frozen ocean pout. U. S. v. 492 Boxes of Pout Fillets. Default decree of condemnation and destruction. (F. D. C. No. 9963. Sample No. 38290–F.)

On May 19, 1943, the United States attorney for the Northern District of Illinois filed a libel against 492 boxes of pout fillets at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about May 4, 1943, by the Slade Gorton Co., from Boston, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a filthy or decomposed substance, parasitized and diseased and decomposed fish, and in that it was in whole or in part the product of a diseased animal. The article was labeled in part: "Pout Fillet * * * Seakist Brand Fish Busalacchi Bros. Inc. Boston, Mass."

On June 14, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5693. Adulteration of frozen mullets. U. S. v. 294 Cases of Frozen Mullets. Default decree of condemnation and destruction. (F. D. C. No. 10251. Sample No. 10858–F.)

On July 15, 1943, the United States attorney for the Northern District of California filed a libel against 294 cases, each containing approximately 130 pounds, of frozen mullets at San Francisco, Calif., alleging that the article had been shipped in interstate commerce from Winnipeg, Canada, on or about June 15, 1943, by the Atlantic Fish and Oyster Co.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On January 8, 1944, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5694. Adulteration of frozen fish. U. S. v. 192 Boxes and 193 Boxes of Croakers. Consent decree of condemnation. Product ordered released under bond for segregation and sale of unfit portion for use other than human consumption. (F. D. C. Nos. 11215, 11245. Sample Nos. 34589–F, 34593–F.)

On or about December 6 and 11, 1943, the United States attorney for the Southern District of Florida filed libels against 385 boxes, each containing 100 pounds, of croakers at Jacksonville, Fla., alleging that the article had been shipped on or about May 6 and 13, 1943, from Crisfield, Md., by John T. Handy Co., Inc.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

The Florence Fish & Oyster Co., Florence, S. C., having appeared as claimant, and the libels having been consolidated, the case came on for trial before the court on January 17, 1944. The trial continued through January 18, but before its completion the claimant and the Government agreed upon the terms of a final decree. On January 19, 1944, the court entered its finding that the product was adulterated and ordered that it be condemned, but provided that it might be released under bond, conditioned that the unfit portion be segregated for sale as crab bait or disposition other than human consumption.

5695. Adulteration of frozen ocean perch fillets. U. S. v. 765 Boxes of Frozen Fish Fillets. Default decree of condemnation and destruction. (F. D. C. No. 10818. Sample No. 20033–F.)

On September 24, 1943, the United States attorney for the District of Massachusetts filed a libel against 765 10-pound boxes of frozen fish fillets at Boston, Mass., alleging that the article had been shipped on or about September 8, 1943, by Feyler's, Inc., from Rockland, Maine; 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: (Shipping carton) "Seafresh Trade Mark Quick Frozen Fish Packed By General Seafoods Corporation, Boston, Mass. * * * Ocean Perch."

On November 22, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.