Misbranding, Section 403 (a), the label statements, "Vitapep," "The Ideal Ration," "is nutritious," "is healthful because all the ingredients that go into this product are proportionately balanced to insure your dog's health," and "makes an ideal mixture for small dogs and puppies * * * are good for a dog * * * they clean and strengthen the teeth and aid the flow of gastric juices," were false and misleading as applied to the product, which, when fed, caused deleterious effects; and, Section 403 (f), the information required by law to appear on the label was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: December 27, 1944, and February 9, 1945. The Vitapep Products, Inc., owner, having admitted the allegations of the libel against the Dallas lots, and no claimant having appeared for the lot at Phoenix, judgments of condemnation were entered and the product was ordered destroyed.

FISH AND SHELLFISH

7262. Adulteration of frozen ocean perch fillets. U. S. v. Rodney E. Feyler (Feyler's). Plea of guilty. Fine, $200. (F. D. C. No. 12545. Sample No. 20033–F.)

INFORMATION FILED: July 31, 1944, District of Maine, against Rodney E. Feyler, trading as Feyler's, Rockland, Maine.

ALLEGED SHIPMENT: On or about September 8, 1943, from the State of Maine into the State of Massachusetts.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: September 29, 1944. A plea of guilty having been entered, the defendant was fined $200.

7263. Adulteration of smoked fish fillets. U. S. v. 67 Boxes of Smoked Fillets. Default decree of condemnation and destruction. (F. D. C. No. 14675. Sample No. 68393–F.)

LIBEL FILED: December 5, 1944, Northern District of Ohio.

ALLEGED SHIPMENT: On or about November 5, 1944, by the Galilee Fish Co., New York, N. Y.

PRODUCT: 67 15-pound boxes of smoked fillets, at Cleveland, Ohio.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: December 28, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7264. Adulteration and misbranding of canned salmon. U. S. v. 434 Cases and 72 Cases of Canned Salmon. Default decrees of condemnation and destruction. (F. D. C. Nos. 13970, 13971. Sample Nos. 78921–F to 78925–F, incl., 78928–F.)

LIBELS FILED: October 23, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: On or about July 20 and 21, 1944, by the Keystone Storage Co., from East Liverpool, Ohio.

PRODUCT: 434 cases, each containing 48 1-pound cans, and 72 cases, each containing 48 cans, of salmon at Chicago, Ill.

LABEL, IN PART: (Portion) "Canteen Cohoe Alsaka Salmon [or "Pot-O-Gold Brand Medium Red Fresh Alaska Salmon"] Distributed By Western Fisheries Company [or "Co."] Seattle, Wash"; (remainder) "Grade 1 [or "Golden Glow" or "Brookdale"] Salmon."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

Misbranding (portion), Section 403 (e) (1), the article was in package form, and it failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 403 (e) (2), it failed to bear an accurate statement of the quantity of the contents; and, Section 403 (i) (2), it was fabricated from two or more ingredients, salmon and salt, and its label failed to bear the common or usual name of each such ingredient.

DISPOSITION: December 12, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.