

**9093. Adulteration of frozen whiting and frozen pike filets. U. S. v. 545 Boxes and 16 Boxes of Frozen Fish. Decrees of condemnation. Portion of product ordered released under bond; remainder ordered destroyed. (F. D. C. Nos. 15877, 15929. Sample Nos. 16821-H, 20459-H, 20471-H.)**

**LIBELS FILED:** April 5 and 17, 1945, District of Nebraska and Eastern District of Wisconsin.

**ALLEGED SHIPMENT:** On or about September 15, 1943, and February 12, 1945, by the Morris Fisheries, Inc., from Chicago, Ill.

**PRODUCT:** 545 15-pound boxes of frozen whiting at Omaha, Nebr., and 16 20-pound boxes of frozen pike filets at Milwaukee, Wis.

**LABEL, IN PART:** (Portion) "Busalacchi Bros. Inc., Boston, Mass. Seakist Brand Fish."

**NATURE OF CHARGE:** Adulteration, Section 402(a)(3), the products consisted in whole or in part of putrid and decomposed substances.

**DISPOSITION:** On May 17, 1945, the American Community Stores Corporation, claimant for the 545 boxes, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be brought into compliance with the law or destroyed, under the supervision of the Federal Security Agency. On May 24, 1945, no claimant having appeared for the 16 boxes, judgment of condemnation was entered and the product was ordered destroyed.

**9094. Adulteration of frozen whiting. U. S. v. 257 Boxes of Frozen Fish. Default decree of condemnation and destruction. (F. D. C. No. 15791. Sample No. 447-H.)**

**LIBEL FILED:** April 3, 1945, Northern District of Georgia.

**ALLEGED SHIPMENT:** On or about March 3, 1945, by Wilfong Bros., from Boston, Mass.

**PRODUCT:** 257 15-pound boxes of frozen fish at Atlanta, Ga.

**LABEL, IN PART:** "H&G Whiting. \* \* \* Busalacchi Bros., Inc., Boston, Mass. Seakist Brand Fish."

**NATURE OF CHARGE:** Adulteration, Section 402(a)(3), the product consisted in whole or in part of a putrid substance by reason of presence of putrid fish.

**DISPOSITION:** April 30, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**9095. Adulteration of frozen whiting. U. S. v. 100 Boxes of Frozen Whiting. Default decree of condemnation. Product ordered delivered to a Federal institution, for use as fertilizer. (F. D. C. No. 15793. Sample No. 339-H.)**

**LIBEL FILED:** On or about April 13, 1945, Southern District of Florida.

**ALLEGED SHIPMENT:** On or about July 6, 1944, by the Cape Ann Fisheries, Inc., from Gloucester, Mass.

**PRODUCT:** 100 15-pound boxes of frozen whiting at Jacksonville, Fla.

**LABEL, IN PART:** "Fresh Frozen Cape Ann Brand \* \* \* Scaled H & G Whiting."

**NATURE OF CHARGE:** Adulteration, Section 402(a)(3), the product consisted in whole or in part of a putrid substance.

**DISPOSITION:** May 17, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. On May 28, 1945, an amended decree was entered ordering the product delivered to a Federal institution, for use as fertilizer.

## FRUITS AND VEGETABLES\*

### FRUITS AND FRUIT PRODUCTS

**9096. Adulteration of apples. U. S. v. 189 Bushels of Apples. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 15330. Sample No. 86447-F.)**

**LIBEL FILED:** On or about January 3, 1945, Northern District of Illinois.

\*See also Nos. 9005, 9007, 9008.

**ALLEGED SHIPMENT:** On or about October 4, 1944, by J. L. Willmeng & Son, from Benton Harbor, Mich.

**PRODUCT:** 189 bushels of apples at Chicago, Ill. Examination showed that the apples bore spray residue containing excessive lead.

**LABEL, IN PART:** "King Apples."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (1), the product contained an added poisonous or deleterious substance, lead, which may have rendered it injurious to health.

**DISPOSITION:** January 5, 1945. Gordon Willmeng, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be peeled for pie apples, under the supervision of the Food and Drug Administration.

**9097. Adulteration of apple butter. U. S. v. California Preserving Co. Plea of guilty. Fine, \$1,000. (F. D. C. No. 15549. Sample Nos. 71058-F, 74233-F.)**

**INDICTMENT FILED:** October 3, 1945, Southern District of California, against the California Preserving Co., a corporation, Los Angeles, Calif.

**ALLEGED SHIPMENT:** On or about January 18 and September 12, 1944, from the State of California into the States of Oregon and Texas.

**LABEL, IN PART:** "Catalina Brand Pure Apple Butter."

**NATURE OF CHARGE:** Misbranding, Section 403 (g) (1), the article failed to conform to the prescribed definition and standard of identity, since it had not been concentrated by heat to such point that the soluble solids content of the finished product was not less than 43 percent.

**DISPOSITION:** October 16, 1945. A plea of guilty was entered on behalf of the defendant, and the court imposed a fine of \$500 on each of the 2 counts.

**9098. Misbranding of dehydrated applesauce. U. S. v. 5 Cases of Dehydrated Applesauce. Default decree of condemnation. Product ordered delivered to a charitable or public institution. (F. D. C. No. 15817. Sample No. 27425-H.)**

**LIBEL FILED:** March 29, 1945, District of Oregon.

**ALLEGED SHIPMENT:** On or about December 14, 1944, by the Aldama Products Co., from Los Angeles, Calif.

**PRODUCT:** 5 cases, each containing 24 packages, of dehydrated applesauce at Portland, Oreg.

**LABEL, IN PART:** "E-Z Sauce Makes Delicious Apple Sauce Dehydrated Apples Prepared With Sulphur Dioxide Net Weight 3½ Ozs."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the statements appearing on the card enclosed with the shipping case, "No Points Needed \* \* \* Apple Sauce One Quart of Apple Sauce from 1 Pkg. E. Z. Sauce (3½ Ozs.)," and the label statements, "E-Z Sauce Makes Delicious Apple Sauce," were misleading in that they implied that the product was a complete applesauce mix containing sugar as well as apple, whereas the purchasers must supply sugar, which requires points; and, Section 403 (f), the common or usual name of the product, "Dehydrated Apples," the net weight statement, and the statement of added sulfur dioxide, required to appear on the label, were not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render them likely to be read by the ordinary individual under customary conditions of purchase and use, since they appeared in print so small as to be practically illegible.

**DISPOSITION:** May 9, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable or public institution.

**9099. Adulteration and misbranding of frozen cherries. U. S. v. Sound Fruit Growers Association. Plea of nolo contendere. Fine, \$150 and costs. (F. D. C. No. 15516. Sample No. 61949-F.)**

**INFORMATION FILED:** November 16, 1945, Western District of Washington, against the Sound Fruit Growers Association, a partnership, Sumner, Wash.

**ALLEGED SHIPMENT:** On or about August 1, 1944, from Tacoma, Wash., into the State of Mississippi.