

PRODUCT: 15 cases, each containing 100 3¼-ounce cans, of sardines at St. Paul, Minn. Examination of the product showed the presence of diseased fish.

LABEL, IN PART: "Palm Brand Maine Sardines."

NATURE OF CHARGE: Adulteration, Section 402 (a) (5), the article was, in whole or in part, the product of a diseased animal.

DISPOSITION: October 29, 1946. No claimant having appeared, judgment was entered ordering the product denatured for use as animal food or destroyed.

11210. Adulteration of canned sardines. U. S. v. 4 Cases * * *. (F. D. C. No. 20249. Sample No. 57182-H.)

LIBEL FILED: June 12, 1946, District of Massachusetts.

ALLEGED SHIPMENT: On or about March 21, 1946, by the W. J. Byrnes Co. of New York, from Hoboken, N. J.

PRODUCT: 4 cases, each containing 100 3¾-ounce cans, of sardines at Boston, Mass.

LABEL, IN PART: "Peggy Brand Norwegian Brisling Sardines * * * Packed by Norwegian Preserving Co. A/S Bergen-Norway."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance since it was undergoing bacterial decomposition.

DISPOSITION: February 27, 1947. Downer, Hunnewell & Co., Boston, Mass., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed under the supervision of the Federal Security Agency.

11211. Adulteration of pickled sprats. U. S. v. 45 Cases * * *. (F. D. C. No. 16203. Sample No. 27255-H.)

LIBEL FILED: May 19, 1945, District of Idaho.

ALLEGED SHIPMENT: On or about February 9, 1945, by the Oxenberg Fish Co., from Seattle, Wash.

PRODUCT: 45 cases, each containing 24 5-ounce jars, of pickled sprats at Lewiston, Idaho. Examination showed that the product was undergoing active fermentation.

LABEL, IN PART: "Delca Finest Imported Pickled Sprats * * * Delca Fish Preservators, Inc., Brooklyn, New York."

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

DISPOSITION: November 16, 1945. Default decree of forfeiture. Product ordered destroyed or delivered to a charitable institution, for use as animal feed. The product was destroyed.

11212. Adulteration of frozen clams. U. S. v. 212 Cases * * * (and 2 other seizure actions against frozen clams). (F. D. C. Nos. 20016 to 20019, incl., 20089 to 20096, incl. Sample Nos. 44590-H, 46142-H, 46143-H, 46147-H to 46150-H, incl., 46154-H to 46156-H, incl., 46158-H.)

LIBELS FILED: May 22 and June 11 and 14, 1946, Northern and Southern Districts of California. The libel of June 14, 1946, was amended on June 21, 1946.

ALLEGED SHIPMENT: On or about October 31, 1945, and January 8 and March 1, 1946, by the Icelandic Freezing Plants Corp., from New York, N. Y.

PRODUCT: 263 cases, each containing 8 7-pound blocks or cartons, of frozen clams at San Francisco, Calif., and 47 cases, each containing 8 7-pound cartons, of the same product at Los Angeles, San Pedro, and Pasadena, Calif.

LABEL, IN PART: "Fresh Frozen Clams [or "Clam Meat"] Icelandic Freezing Plants Corp. Reykjavik Iceland."

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the article contained a poisonous and deleterious substance, *Gonyaulax* toxin, which may have rendered it injurious to health.

DISPOSITION: On July 20, 1946, the Icelandic Freezing Plants Corp. having appeared as claimant for the San Francisco lots, judgment of condemnation

was entered and the product was ordered released to be disposed of in compliance with the law, under the supervision of the Federal Security Agency.

On October 4, 1946, Reinke & Amende, Inc., Los Angeles, Calif., claimant for the Los Angeles, San Pedro, and Pasadena lots, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be segregated and disposed of in compliance with the law, under the supervision of the Federal Security Agency. The unfit portion was disposed of as fish food or fertilizer.

11213. Adulteration and misbranding of canned minced clams. U. S. v. 177 Cases * * *. (F. D. C. No. 19928. Sample No. 56883-H.)

LIBEL FILED: June 5, 1946, District of Rhode Island.

ALLEGED SHIPMENT: On or about March 28, 1946, by the Plymouth Packing Co., from Plymouth, Mass.

PRODUCT: 177 cases, each containing 48 cans, of minced clams at Cranston, R. I. Examination showed that the drained weight of the product was less than that declared on the label.

LABEL, IN PART: "Point Judith Minced Clams * * * Drained Weight 5 Oz."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), diluted clam juice had been substituted in part for minced clams.

Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents, since the label statement "Drained Weight 5 Oz." was inaccurate.

DISPOSITION: September 25, 1946. The Plymouth Packing Co., claimant, having consented to the entry of a decree, judgment was entered ordering the product released under bond for relabeling under the supervision of the Federal Security Agency.

FRUITS AND VEGETABLES

CANNED AND DRIED FRUIT

11214. Adulteration of canned cherries. U. S. v. 46 Cases * * *. (F. D. C. No. 19385. Sample No. 58241-H.)

LIBEL FILED: On or about April 4, 1946, District of Montana.

ALLEGED SHIPMENT: On or about December 28, 1945, by the Stayton Canning Co. Cooperative, from West Stayton, Oreg.

PRODUCT: 46 cases, each containing 6 6-pound, 10-ounce cans, of cherries at Great Falls, Mont.

LABEL, IN PART: "Santiam Brand Light Sweet Royal Anne Cherries in Medium Syrup."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of maggots.

DISPOSITION: September 18, 1946. Default decree of condemnation and destruction.

11215. Misbranding of canned cherries. U. S. v. 48 Cases * * *. (F. D. C. No. 20055. Sample No. 59024-H.)

LIBEL FILED: May 29, 1946, District of Montana.

ALLEGED SHIPMENT: On or about April 15, 1946, by Libby, McNeill & Libby, from Yakima, Wash.

PRODUCT: 48 cases, each containing 6 6-pound, 10-ounce cans, of cherries at Butte, Mont.

LABEL, IN PART: "Rose-Dale Light Sweet Royal Anne Cherries in Light Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (g) (2), the label of the article failed to bear the name of the optional packing medium present. The label bore the statement "in Light Syrup," whereas the article was packed in water.

DISPOSITION: August 19, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution.