

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

DISPOSITION: July 20, 1950. Default decree of forfeiture and destruction.

16431. Adulteration of kippered herring. U. S. v. 47 Cases * * *. (F. D. C. No. 29259. Sample No. 35043-K.)

LIBEL FILED: June 5, 1950, Northern District of California.

ALLEGED SHIPMENT: On or about March 29, 1950, from Aberdeen, Scotland.

PRODUCT: 47 cases, each containing 14 pounds, of kippered herring at San Francisco, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of moldy fish. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: August 10, 1950. Default decree of condemnation and destruction.

16432. Misbranding of flaked fish. U. S. v. 365 Cases * * *. (F. D. C. No. 28526. Sample Nos. 57425-K, 57431-K.)

LIBEL FILED: January 17, 1950, Southern District of New York.

ALLEGED SHIPMENT: On or about September 11 and October 9, 1946, from Iceland.

PRODUCT: 365 cases, each containing 48 15-ounce cans, of flaked fish at New York, N. Y.

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Made from Fresh Haddock" which appeared on cans contained in certain cases, was false and misleading as applied to the product in those cans, which was not haddock. The article was misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: August 21, 1950. North Atlantic Fishery Products, Inc., New York, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling, under the supervision of the Federal Security Agency.

16433. Adulteration and misbranding of oysters. U. S. v. Sam G. Buldis (National Fish & Oyster Co.). Plea of not guilty. Tried to the jury. Verdict of guilty. Fine, \$150.01. (F. D. C. No. 25314. Sample No. 36828-K.)

INFORMATION FILED: April 22, 1949, Western District of Washington, against Sam G. Buldis, trading as the National Fish & Oyster Co., Tacoma, Wash.

ALLEGED VIOLATION: On or about January 28, 1948, the defendant gave to a firm engaged in the business of shipping oysters in interstate commerce, at Seattle, Wash., a guaranty to the effect that no oysters sold by the defendant would be adulterated or misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act.

On or about March 29, 1948, the defendant sold and delivered to the holder of the guaranty, at Seattle, Wash., a quantity of oysters that were adulterated and misbranded.

NATURE OF CHARGE: Count 1. Adulteration, Section 402 (b) (2), a product consisting of water and oysters which were not thoroughly drained before packing into the containers for shipments, had been substituted for oysters.