

**807. Adulteration and misbranding of canned tuna fish. U. S. v. 376 Cases and 1,321 Cases of Canned Tuna Fish. Decree of condemnation and forfeiture. Product released under bond for relabeling. (F. D. C. No. 1957. Sample Nos. 33003-E, 33004-E.)**

Examination of samples showed this product to be light meat tuna similar to yellow fin, not white meat tuna as labeled.

On May 13, 1940, the United States attorney for the Southern District of New York filed a libel against 1,697 cases, each containing 48 cans, of canned tuna fish at New York, N. Y., alleging that the article had been shipped on or about January 26 and February 2, 1940, by the Sea Foods Corporation from Manila, P. I.; and charging that it was adulterated and misbranded. The product was labeled in part: "Carnation Club Brand Flakes [or "Fancy"] White Meat Tuna Fish. Product of Philippine Islands."

The article was alleged to be adulterated in that a substance, light meat tuna, had been substituted wholly or in part for white meat tuna, which it purported to be.

It was alleged to be misbranded in that the statement "White Meat Tuna Fish," borne on the labels, was false and misleading. It was alleged to be misbranded further in that it was offered for sale under the name of another food.

On May 28, 1940, the Sea Foods Corporation, Manila, P. I., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released to the claimant under bond for relabeling.

**808. Adulteration and misbranding of canned tuna flakes. U. S. v. 25 Cases of White Meat Tuna Fish. Default decree entered ordering product delivered to charitable institutions. (F. D. C. No. 1947. Sample No. 10626-E.)**

This product was a light meat tuna similar to yellow fin, and not white meat tuna as labeled.

On or about May 15, 1940, the United States attorney for the District of Connecticut filed a libel against 25 cases of canned tuna fish at New Haven, Conn., alleging that the article had been shipped in interstate commerce on or about April 22, 1940, by Wm. A. Camp & Co. from New York, N. Y.; and charging that it was adulterated and misbranded. The article was labeled in part: "Carnation Club Brand Flakes White Meat Tuna Fish \* \* \* Packed by Sea Foods Corporation, Manila, Phillipine Is."

It was alleged to be adulterated in that light meat tuna, had been substituted wholly or in part for white meat tuna, which it purported to be.

The article was alleged to be misbranded in that the statement on the cans, "White Meat Tuna Fish," was false and misleading, since it was not white meat tuna; and in that it was offered for sale under the name of another food.

On June 11, 1940, no claim having been entered for the product, judgment was entered ordering that it be distributed to charitable institutions after the labels had been removed.

**809. Adulteration of fish roe. U. S. v. 1 Barrel of Fish Roe. Default decree of condemnation and destruction. (F. D. C. No. 1903. Sample No. 1140-E.)**

This product was in interstate commerce at the time of examination and was found to be in whole or in part decomposed at that time.

On April 29, 1940, the United States attorney for the District of Maryland filed a libel against 1 barrel, containing 81 cans, of fish roe at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about April 20, 1940, by T. C. Slaughter from Reedville, Va.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On May 21, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

## FRUITS AND VEGETABLES

### FRESH FRUITS AND VEGETABLES

Nos. 810 to 817, inclusive, report the seizure and disposition of apples which bore spray residue containing lead or arsenic and lead.

**810. Adulteration of apples. U. S. v. 35 Bushels of Apples. Default decree of condemnation and destruction. (F. D. C. No. 1919. Sample No. 66706-D.)**

On or about October 9, 1939, the United States attorney for the Western District of Missouri filed a libel against 35 bushels of apples at Easton, Mo.,