9739. Adulteration of frozen whiting. U. S. v. 388 Cartons of Frozen Whiting. Default decree of condemnation and destruction. (F. D. C. No. 17128. Sample No. 290–H.)

LIBEL FILED: August 21, 1945, Middle District of North Carolina.

ALLEGED SHIPMENT: On or about July 20, 1945, by the W. I. Anderson Co., from Gloucester, Mass.

PRODUCT: 388 15-pound cartons of frozen whiting at Greensboro, N. C.

LABEL, IN PART: "Seacrest Brand Frozen Fish Packed by New England Fillet Co. Inc., Boston, Mass. * * * H & G Whiting."

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

DISPOSITION: September 24, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

9740. Misbranding of spiced anchovies. U. S. v. 80 Barrels of Spiced Anchovies (and 2 other seizure actions against spiced anchovies). Consent decrees of condemnation. Product ordered released under bond to be relabeled. (F. D. C. Nos. 17082, 17083, 18148. Sample Nos. 6925–H, 7479–H.)

LIBELS FILED: August 1 and October 11, 1945, Eastern District of New York.

ALLEGED SHIPMENT: On or about June 19, 1945, by the Northern Herring Co., from St. Andrews, New Brunswick, Canada.

PRODUCT: 127 barrels of spiced anchovies at Brooklyn, N. Y.

LABEL, IN PART: "Spiced Anchovies (Spratts)."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Spiced Anchovies (Spratts)" was false and misleading since the product was sea herring.

DISPOSITION: August 1 and 2, 1945. B. Westergaard, claimant for 82 barrels, and North Atlantic Fisheries Products, Inc., claimant for 45 barrels, having admitted the allegations of the respective libels, judgments of condemnation were entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

FRUITS AND VEGETABLES

FRUITS AND FRUIT PRODUCTS*

9741. Adulteration of apples. U. S. v. 798 Boxes and 798 Boxes of Apples. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 16730. Sample Nos. 733–H, 734–H.)

LIBEL FILED: March 10, 1945, Northern District of Georgia.

ALLEGED SHIPMENT: On or about February 15, 1945, by the Prentice Packing and Cold Storage Co., from Yakima, Wash.

PRODUCT: 1,596 40-pound boxes of apples at Atlanta, Ga.

LABEL, IN PART: "Kare-Ful-Pak Brand."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the product bore and contained an added poisonous and deleterious substance, fluorine, in a quantity which was unsafe within the meaning of the law, since the fluorine content was in excess of 7 milligrams per kilogram of apples, the limit fixed by regulation.

DISPOSITION: April 2, 1945. The Fidelity Fruit and Produce Co., Atlanta, Ga., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation and testing under the supervision of the Food and Drug Administration. That portion of the fruit found fit for human consumption was to be released for distribution, and the remainder of the product was to be washed to remove excess fluorine residue.

9742. Adulteration of canned cherries. U. S. v. 214 Cases and 10 Cases of Canned Cherries (and 7 other seizure actions against canned cherries). Consent decree of condemnation. Portion of product ordered destroyed; remainder ordered released under bond. (F. D. C. Nos. 15200, 15201, 15223, 15244 to 15248, incl., 15611. Sample Nos. 28003–H, 28242–H, 28507–H, 28708–H.)

LIBELS FILED: Between February 9 and April 5, 1945, Western District of Washington.

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*See also Nos. 9603–9607.