# FISH AND SHELLFISH

**14591. Adulteration of frozen fish. U. S. v. 97 Cartons * * * (and 1 other seizure action).** (F. D. C. Nos. 25893, 26876. Sample Nos. 2531–K, 46248–K.)

LIBELS FILED: November 3, 1948, and March 18, 1949, Southern District of West Virginia and Eastern District of Missouri.

ALLEGED SHIPMENT: On or about October 9 and 18, 1948. A portion was shipped by the Harbor Cove Fisheries, Inc., from Gloucester, Mass., and the remainder was shipped by the Crystal Ice & Cold Storage Co., from Tiverton, R. I., on instructions of Harbor Cove Fisheries, Inc., of Gloucester, Mass.

PRODUCT: 97 10-pound cartons of frozen perch fillets at Huntington, W. Va., and 20,000 pounds of frozen H & G whiting at St. Louis, Mo.

LABEL, IN PART: (Huntington lot) "Eastern Point Brand Quick Frozen Ocean Perch Fillets Layer Packed."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), a portion of the product consisted in whole or in part of a filthy substance by reason of the presence of parasites, and the remainder consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish.

DISPOSITION: November 19, 1948, and April 11, 1949. Default decrees of condemnation. The Huntington lot was delivered to a public institution, for use as hog feed, and the St. Louis lot was ordered sold for use other than for human consumption.

**14592. Adulteration of frozen ciscoes. U. S. v. 14 Boxes, etc.** (F. D. C. No. 26657. Sample Nos. 11211–K, 11212–K.)

LIBEL FILED: March 23, 1949, Southern District of New York.

ALLEGED SHIPMENT: On or about January 9 and 11, 1949, by Lester Fisher, Marinette, Wis.

PRODUCT: 34 50-pound boxes of frozen ciscoes at New York, N. Y.

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

DISPOSITION: April 11, 1949. Default decree of condemnation and destruction.

**14593. Adulteration of frozen herring. U. S. v. 1,496 Pounds * * *.** (F. D. C. No. 26097. Sample Nos. 10329–K, 10332–K.)

LIBEL FILED: November 30, 1948, Southern District of New York.

ALLEGED SHIPMENT: On or about October 10, 1948, from Plymouth, Mass.

PRODUCT: 1,496 pounds of frozen herring at New York, N. Y.

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

DISPOSITION: March 31, 1949. Default decree of condemnation and destruction.

**14594. Adulteration of frozen ocean perch fillets. U. S. v. 5 Cartons * * *.** (F. D. C. No. 26552. Sample No. 19817–K.)

LIBEL FILED: February 21, 1949, Eastern District of Tennessee.

ALLEGED SHIPMENT: On or about January 11, 1949, by the Booth Fisheries Corp., Boston, Mass.

PRODUCT: 5 cartons, each containing 36 1-pound packages, of frozen ocean perch fillets at Chattanooga, Tenn.

LABEL, IN PART: "Booth Tastyloins Ocean Perch."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance. (The product was infested with parasites.)

DISPOSITION: April 14, 1949. Default decree of condemnation and destruction.

**14595. Adulteration of canned sardines. U. S. v. 24 Cases * * * (and 2 other seizure actions). Consent decrees of condemnation. Product ordered released under bond. Suits for forfeiture of bonds; bonds ordered forfeited. Forfeiture sustained by court of appeals.** (F. D. C. Nos. 22852, 22947, 22994. Sample Nos. 1996-H, 50565-H, 50568-H.)

LIBELS FILED: April 16, 21, and 30, 1947, Eastern District of Louisiana, Southern District of Mississippi, and Eastern District of South Carolina.

ALLEGED SHIPMENT: On or about March 5 and 6, 1947, in part by the Stinson Canning Co., from Waukeag, Maine, and by the Addison Packing Co., from Ellsworth, Maine.

PRODUCT: Sardines. 49 cases at Charleston, S. C., 24 cases at New Orleans, La., and 24 cases at Woodville, Miss. Each case contained 100 3¼-ounce cans.

LABEL, IN PART: "Beach Cliff Brand Maine Sardines * * * Packed By Stinson Canning Company Prospect Harbor, Maine" or "Billow Brand American Sardines * * * Packed By Addison Packing Co. South West Harbor Maine."

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

DISPOSITION: October 10 and 30 and November 4, 1947. The Stinson Canning Co., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond for segregation and destruction of the unfit portion, under the supervision of the Food and Drug Administration. Subsequent to the entry of the decrees of condemnation, the Government moved for forfeiture of the bonds, for failure to comply with the terms of the decrees. Similar motions were filed by the Government with respect to bonds which had been executed to insure compliance with the terms of the decrees entered in certain seizure actions instituted in the Eastern District of South Carolina and the Eastern District of Louisiana, as reported in notices of judgment on foods, Nos. 12316 and 12318, in which actions the Stinson Canning Co. appeared as claimant for various lots of sardines which had been seized on charges of adulteration and which had been released under bond. The court having ordered the bonds forfeited and the claimant having appealed such orders, the Circuit Court of Appeals for the Fourth Circuit, on November 10, 1948, handed down the following opinion, affirming the action of the district court in forfeiting the bonds:

DOBIE, *Circuit Judge:* "These are eight appeals from eight identical orders of the District Judge granting judgments against the appellants, Stinson Canning Company and American Surety Company, on performance bonds filed by appel