

30446. Adulteration of frozen fillets. U. S. v. 405 Pounds of Frozen Pollack Fillets. Default decree of condemnation and destruction. (F. & D. No. 45011. Sample No. 42385-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was found to be in part decomposed.

On March 11, 1939, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 405 pounds of frozen fillets at Allentown, Pa.; alleging that the article had been shipped on or about March 6, 1939, by New England Fillet Co. from Boston, Mass.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Skipper Brand Quality Chilled Fillet."

It was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On April 6, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

30447. Misbranding of olive oil. U. S. v. 158 Cans of Olive Oil. Default decree of condemnation. Product ordered delivered to a charitable or relief organization. (F. & D. No. 44268. Sample No. 45404-D.)

This product was short of the declared volume.

On November 8, 1938, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 158 cans of olive oil at Fort Bragg, N. C.; alleging that the article had been shipped in interstate commerce on or about September 1, 1938, by West Tea & Coffee Co., Inc., from New York, N. Y.; and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "West's Monterey Brand Edible Olive Oil."

It was alleged to be misbranded in that the statement "Net Contents 1 Pint" was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short volume; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the quantity stated was not correct.

On March 21, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable or relief organization for its own use.

M. L. WILSON, *Acting Secretary of Agriculture.*

30448. Adulteration of tomato paste. U. S. v. 999 Cartons and 1,000 Cases of Tomato Paste. Consent decrees of condemnation. Product released under bond for segregation and destruction of unfit portion. (F. & D. Nos. 40729, 40969. Sample Nos. 10825-C, 40074-C.)

Portions of this product were found to contain filth resulting from worm infestation.

On November 12 and 30, 1937, the United States attorney for the Eastern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels (the former amended November 15, 1937) praying seizure and condemnation of 999 cartons and 1,000 cases of tomato paste at Brooklyn, N. Y.; alleging that the article had been shipped in interstate commerce on or about September 29 and October 27, 1937, by Flotill Products, Inc., from Stockton, Calif.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Moosalina Brand Pure Tomato Paste * * * Packed * * * For Moosalina Products Corp. Brooklyn, N. Y."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On March 24, 1939, Flotill Products, Inc., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation were entered, and the product was ordered released under bond conditioned that the unfit portions be denatured or destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*