

30545. Adulteration of frozen strawberries. U. S. v. 30 Barrels of Frozen Sliced Strawberries. Default decree of condemnation and destruction. (F. & D. No. 45056. Sample No. 39481-D.)

This product had been shipped in interstate commerce and remained unsold and in the original packages. At the time of examination it was found to be in part moldy.

On March 20, 1939, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 30 barrels of frozen sliced strawberries at Salem, Oreg.; alleging that the article had been shipped on or about March 3 and 4, 1939, by Allen Fruit Co., of Sumas, Wash., from Seattle, Wash.; and charging adulteration in violation of the Foods and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

On May 2, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

30546. Misbranding of bone and meat scrap. U. S. v. Norton & Co., Inc. Plea of nolo contendere. Fine, \$100. (F. & D. No. 36957. Sample No. 8345-B.)

This product contained a smaller percentage of protein than that declared on the label.

On May 11, 1938, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Norton & Co., Inc., South Washington, Va., alleging that on or about September 13, 1935, the said defendant delivered for shipment from the State of Virginia into the State of Maryland, a quantity of bone and meat scrap which was misbranded in violation of the Food and Drugs Act.

Misbranding was alleged in that the statement "Guaranteed Analysis Protein 50%," borne on the bag containing the article, was false and misleading and was borne on the said bag so as to deceive and mislead the purchaser since the article contained less than 50 percent of protein, namely, not more than 46.07 percent of protein.

On June 6, 1938, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$100.

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

30547. Adulteration of frozen fish fillets. U. S. v. 25 Cases of Frozen Fish (and 7 other seizure actions against similar products). Default decrees of condemnation and destruction. (F. & D. Nos. 44984, 45009, 45042, 45047, 45099, 45124, 45136, 45138, 45216. Sample Nos. 30706-D, 30707-D, 31196-D, 40943-D, 43103-D, 43513-D, 49738-D, 52303-D.)

This product had been shipped in interstate commerce and remained unsold and in the original packages. At the time of examination a portion was found to be decomposed and the remainder was infested with parasitic worms.

Between March 10 and April 18, 1939, the United States attorneys for Northern District of Texas, District of Colorado, Western District of New York, Western District of Pennsylvania, District of New Mexico, and the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 25 cases of frozen fish at Dallas, Tex., 188 packages of perch fillets at Denver, Colo., 48 cartons of red perch at Pittsburgh, Pa., 244 boxes of perch at Buffalo, N. Y., 16 boxes of whiting at Albuquerque, N. Mex., and 95 boxes of cod fillets at San Francisco, Calif.; alleging that the article had been shipped within the period from on or about July 22, 1938, to on or about March 8, 1939, by Booth Fisheries Corporation in various shipments from Boston, Mass., Chicago, Ill., and Denver, Colo.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled variously: "Cape Ann Ocean Perch"; "Red Fish Fillets"; "Booth Tasty Loins Red Perch"; "Stk. Whiting"; "H & G Whiting Booth"; and "Cod Booth Tasty Loins."

It was alleged to be adulterated in that a portion consisted in whole or in part of a filthy animal substance, and the remainder consisted in whole or in part of a decomposed and putrid animal substance.

Between April 8 and May 16, 1939, no claim having been entered, judgments of condemnation were entered and the product was ordered destroyed.

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