

from Lubbock, Tex.; and charging that it was adulterated in that it contained a filthy, putrid, or decomposed substance.

On May 15, 1940, Wilson & Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it should not be disposed of in violation of the law.

**574. Adulteration of frozen eggs. U. S. v. 284 Cans of Frozen Eggs. Consent decree of condemnation. Product released under bond for segregation and destruction or denaturing of unfit portion.** (F. D. C. No. 1837. Sample No. 10340-E.)

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

On April 18, 1940, the United States attorney for the Eastern District of New York filed a libel against 284 cans of frozen eggs at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about September 23, 1939, by Peter Fox Sons Co. from Nashville, Tenn.; and charging that it was adulterated in that it consisted in whole or in part of a putrid and decomposed substance.

On May 29, 1940, Peter Fox Sons Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that the unfit portion be segregated and destroyed or denatured.

### FISHERIES PRODUCTS

**575. Misbranding of canned bonita. U. S. v. 130 Cases of Canned Bonita. Consent decree of condemnation and forfeiture. Product released under bond for relabeling.** (F. D. C. No. 1747. Sample No. 10412-E.)

This product was shipped in unlabeled cans; and therefore failed to comply with the requirements of the law prescribing the labeling of food in package form.

On April 4, 1940, the United States attorney for the Southern District of New York filed a libel against 130 cases, each containing 48 cans, of bonita at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about October 23, 1939, by the French Sardine Co., Inc., from Terminal Island, Calif.; and charging that it was misbranded in that it was in package form and failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents.

On April 17, 1940, the New York Wholesale Grocery Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be labeled as required by law.

Nos. 576 to 580 report the seizure and disposition of fish which was in interstate commerce at the time of examination and was found to be in whole or in part decomposed at that time.

**576. Adulteration of frozen cod fillets. U. S. v. 22 Boxes of Frozen Cod Fillets. Default decree of condemnation. Product ordered converted into fertilizer.** (F. D. C. No. 1623. Sample Nos. 4301-E, 4302-E.)

On March 13, 1940, the United States attorney for the Northern District of Illinois filed a libel against 22 boxes of frozen fillets at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about March 1, 1940, by Atlantic Coast Fisheries Corporation of New York, from Princeton, Mass.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: "Atco Brand Fresh Frozen Fillets."

On April 8, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be disposed of by being converted into fertilizer.

**577. Adulteration of buffalo fish. U. S. v. 12 Boxes of Dressed Buffalo Fish. Default decree of condemnation and destruction.** (F. D. C. No. 1892. Sample No. 15098-E.)

On April 27, 1940, the United States attorney for the Eastern District of Missouri filed a libel against 12 boxes, each containing 120 pounds, of dressed buffalo fish at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about April 9, 1940, by Independent Fish Co. from

Simmesport, La.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance.

On June 4, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**578. Adulteration of haddock fillets. U. S. v. 28 Boxes of Haddock Fillets. Default decree of condemnation and destruction. (F. D. C. No. 1469. Sample No. 86925-D.)**

On February 9, 1940, the United States attorney for the District of Massachusetts filed a libel against 28 boxes, each containing 15 pounds, of small haddock fillets at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about February 1, 1940, by F. J. O'Hara & Sons, Inc., from Portland, Maine; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On May 13, 1940, F. J. O'Hara & Sons, Inc., the intervenor, having withdrawn its claim, judgment of condemnation was entered and the product was ordered destroyed.

**579. Adulteration of frozen halibut. U. S. v. 1,307 Pounds of Frozen Fish. Default decree of condemnation and destruction. (F. D. C. No. 1759. Sample No. 13425-E.)**

On April 4, 1940, the United States attorney for the Western District of Washington filed a libel against 1,307 pounds of frozen halibut at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about March 22, 1940, by the Artificial Ice & Cold Storage Co. from Billings, Mont.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On May 9, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**580. Adulteration of canned mackerel. U. S. v. 550 Cases of Canned Mackerel. Consent decree of condemnation. Product released to claimant under bond for segregation of the bad mackerel from the good. (F. D. C. No. 1102. Sample Nos. 58301-D, 82516-D.)**

On December 1, 1939, the United States attorney for the Eastern District of South Carolina filed a libel against 550 cases of canned mackerel at Charleston, S. C., alleging that the article had been shipped in interstate commerce on or about October 17, 1939, by Hamilton & Co. from Los Angeles, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Calho Brand California Mackerel \* \* \* Hamilton & Company, Los Angeles, California, Distributors."

On January 30, 1940, the P. B. Smith Co., Charleston, S. C., having admitted the allegations of the libel, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be segregated according to codes, and that those codes found to contain decomposed mackerel be destroyed.

**581. Alleged adulteration of canned herring roe. U. S. v. 896, 238, and 250 Cases of Herring Roe. Tried to the court. Judgment for claimant; product ordered released. (F. D. C. No. 319. Sample Nos. 47565-D, 47566-D, 47567-D.)**

This seizure was instituted on the charge that parts of stomachs and intestines of fish which were found in samples of the roe constituted filth.

On July 29, 1939, the United States attorney for the Eastern District of Virginia, filed a libel against 1,384 cases, each containing 48 cans, of herring roe at Richmond, Va., alleging that the article had been shipped in interstate commerce in various shipments on or about May 6, 13, 15, and 20, 1939, by the Sherwood Fish Products Co. from Sherwood, Md.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Cans) "Tidewater \* \* \* Herring Roe Distributed by Taylor & Sledd, Inc., Richmond, Va."; or "Pocahontas \* \* \* Herring Roe Packed for H. P. Taylor, Jr., Sole Distributor, Richmond, Va."

On September 21, 1939, the Sherwood Fish Products Corporation, claimant, having petitioned for samples of the seized goods and having filed a motion for a bill of particulars, the court granted such petition and motion and extended the time for filing an answer pending examination of the samples and the furnishing of the bill of particulars. On November 20, 1939, the