

Tulsa, Okla., alleging that the article had been shipped in interstate commerce on or about July 23, 1940, by the Slade Gorton Co. from Boston, Mass.; and charging that it was adulterated for the reasons appearing above. The article was labeled in part: "10 Lbs. Red Perch Fillets * * * Deep Sea Brand T. & J. Busalacchi Inc. Boston, Mass."

On August 6, 1940, John A. Wooten, Tulsa, Okla., claimant, having consented to the entry of an order of destruction, judgment was entered ordering the product turned over to the zoo for food for the animals.

1953. Adulteration of frozen whiting. U. S. v. 235 Boxes of H. & G. Whiting. Default decree of condemnation and destruction. (F. D. C. No. 3347. Sample No. 31863-E.)

Examination of this product showed the presence of decomposed fish.

On November 15, 1940, the United States attorney for the Northern District of Illinois filed a libel (amended January 22, 1941) against 235 boxes of whiting at Chicago, Ill., alleging that the article had been shipped on September 17, 1940, by Gloucester Seafoods Corporation from Gloucester, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On January 28, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1954. Adulteration of stockfish. U. S. v. 284 Bundles of Stockfish. Consent decree of condemnation. Product ordered released under bond for re-export. (F. D. C. No. 3678. Sample Nos. 31070-E, 31792-E.)

Examination of this product showed that it was in part decomposed.

On January 14, 1941, the United States attorney for the Western District of Washington filed a libel against 284 bundles of stockfish at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about January 2, 1941, by P. V. Bright & Co. from Chicago, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. This shipment consisted of goods which had been imported and rejected by the importer. The article was labeled in part: "Stock Fish Product of Japan."

On May 2, 1941, P. V. Bright & Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be exported to Japan.

1955. Misbranding of sardines. U. S. v. 99 and 51 Cases of Canned Sardines. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 2351. Sample Nos. 1990-E, 1991-E.)

Examination of this product showed that the fish occupied on an average about 66 percent of the space in the can.

On July 11, 1940, the United States attorney for the Eastern District of Virginia filed a libel against 150 cases of canned sardines at Richmond, Va., alleging that the article had been shipped in interstate commerce on or about May 18 and 22, 1940, from Ellsworth and Waukeag, Maine, by the Stinson Canning Co.; and charging that it was misbranded in that its containers were so made, formed, or filled as to be misleading. The article was labeled in part: (Can) "Beach Cliff Brand Net Weight 3¼ Ozs."

On February 21, 1941, the Stinson Canning Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled in a manner complying with the law.

FRUITS AND VEGETABLES

CANNED FRUITS

1956. Adulteration of canned blackberries. U. S. v. 249 Cartons of Canned Blackberries. Default decree of condemnation and destruction. (F. D. C. No. 3354. Sample No. 21855-E.)

Examination of this product disclosed the presence of moldy berries.

On November 6, 1940, the United States attorney for the Northern District of California filed a libel against 249 cartons, each containing 6 No. 10 cans, of blackberries at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about September 14, 1940, by Midfield Packers from Olympia, Wash.; and charging that it was adulterated in that it consisted wholly

or in part of a decomposed substance or was otherwise unfit for food. The article was labeled in part: (Cans) "Water Pack Blackberries * * * Xtra Value."

On March 18, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1957. Adulteration of canned huckleberries. U. S. v. 73 Cases of Canned Huckleberries. Default decree of condemnation and destruction. (F. D. C. No. 3685. Sample No. 26544-E.)

Examination showed that this product contained insect larvae.

On January 17, 1941, the United States attorney for the Western District of Texas filed a libel against 73 cases, each containing 6 No. 10 cans, of huckleberries at San Antonio, Tex., which had been shipped for the Midfield Packers of Olympia, Wash., in pool shipment from Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about December 30, 1940; 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: "Midfield Brand Water Pack Huckleberries Packed by Midfield Packers Olympia Washington."

On April 4, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1958. Adulteration of canned huckleberries. U. S. v. 142 Cases, 9 Cases, 83 Cases, and 20 Cartons of Canned Huckleberries. Default decrees of condemnation and destruction. (F. D. C. Nos. 3853, 3934, 3935, 4016. Sample Nos. 24763-E, 46764-E, 46765-E, 60050-E.)

Examination of this product showed the presence of larvae.

On February 20 and March 10 and 22, 1941, the United States attorneys for the Eastern District of Pennsylvania, the Northern District of New York, and the District of Oregon filed libels against 142 cases of canned huckleberries at Philadelphia, Pa., 92 cases at Utica, N. Y., and 20 cartons at Portland, Ore., alleging that the article had been shipped in interstate commerce on or about October 31 and November 1, 1940, by the Olympia Canning Co. from Olympia, Wash.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: "Household Brand Huckleberries."

On March 22 and May 12 and 24, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

1959. Misbranding of canned fruits for salad. U. S. v. 102 Cases of Canned Fruits for Salad. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 4219. Sample No. 47430-E.)

Examination showed that this product was not of Fancy quality because of low sugar content of the sirup, blemishes, off color, and spotted fruit.

On April 10, 1941, the United States attorney for the Northern District of Illinois filed a libel against 102 cases, each containing 48 cans, of fruits for salad at Chicago, Ill., alleging that the article had been shipped on or about February 24, 1941, by Pacific Grape Products Co. from Modesto, Calif.; and charging that it was misbranded. It was labeled in part: (Cans) "Banner Boy Brand Contents 1 Lb. Fancy Fruits for Salads and Cocktails."

The article was alleged to be misbranded in that the term "Fancy," appearing on the label, was false and misleading as applied to an article which was not of Fancy quality.

On April 21, 1941, Banner Wholesale Grocers, Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

1960. Misbranding of canned grapefruit. U. S. v. 42 Cases of Canned Grapefruit. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 4455. Sample No. 29314-E.)

Examination showed that this product was not of Fancy quality because of broken and shattered segments and poor color.

On April 23, 1941, the United States attorney for the Southern District of Ohio filed a libel against 42 cases, each containing 24 No. 2 cans, of grapefruit at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce on or about September 20, 1940, by Florida Fruit Cannery, Inc., Frostproof, Fla.; and charging that it was misbranded. It was labeled in part: (Cans) "Leadway Fancy Florida Grapefruit."