

Cases of Canned Salmon, 289 F. 157; Knapp v. Callaway, 52 F. 2d 476; United States v. One Hundred Thirty Three Cases of Tomato Paste, 22 F. Supp. 515.

"Notwithstanding this strict construction of the language employed, of which Congress was undoubtedly aware, the amendment of 1938 (Sec. 402) not only impliedly approved this construction of its language but strengthened it by adding words which leave no doubt of its intention to free interstate commerce of any food if it consists 'in whole or in part of any filthy, putrid or decomposed substance'. The added clause 'or if it is otherwise unfit for food' is in the disjunctive and does not condition, qualify, or obscure the plain meaning of the whole sentence when considered in its context. United States v. 184 Barrels Dried Whole Eggs, 53 F. Supp. 625. This view is supported by the general purpose of the amendment to extend the range of control over impure and adulterated food and drugs moving in interstate commerce. United States v. Dotterweich, 320 U. S. 277."

According to the conclusive findings of the trial court each carton of fish seized consisted in part of fish in a decomposed state and it was necessary to thaw the fish in each carton in order to separate the decomposed substance from the wholesome part. It is thus clear that the product in question comes within the interdiction of the Act and the judgment of the trial court is REVERSED."

7116. Adulteration of frozen shrimp. U. S. v. 218 Cartons of Shrimp. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 12434. Sample Nos. 76406-F, 82003-F.)

LIBEL FILED: May 25, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about March 15, 1944, by J. H. Dulany & Son, Fruitland, Md.

PRODUCT: 218 cartons, each containing 6 5-pound packages, of frozen shrimp, at New York, N. Y.

LABEL, IN PART: (Packages) "Dulany Frosted Uncooked—Unpeeled Shrimp."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: June 24, 1944. John H. Dulany & Son, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond on condition that the unfit portion be segregated and destroyed under the supervision of the Food and Drug Administration.

7117. Adulteration of frozen shrimp. U. S. v. 14 Boxes of Frozen Shrimp. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13835. Sample No. 82015-F.)

LIBEL FILED: September 29, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about September 5, 1944, by Newark Sea Food Co., Newark, N. J.

PRODUCT: 14 boxes, containing about 1,900 pounds, of frozen shrimp at New York, N. Y.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: November 9, 1944. Fred Julick, New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was 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.

FRUITS AND VEGETABLES

DRIED FRUIT

7118. Adulteration of evaporated apple chops. U. S. v. 250 Bags of Evaporated Apple Chops. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 11837. Sample No. 945-F.)

LIBEL FILED: On or about February 28, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: On or about November 17, 1943, by Valley Evaporating Co., from Yakima, Wash.

PRODUCT: 250 50-pound bags of evaporated apple chops at Chicago, Ill.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and dirty apple chops.

DISPOSITION: August 31, 1944. L. Karp & Sons, Inc., Chicago, Ill., claimant, having admitted the facts in the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be washed and cleaned and the bad segregated from the good, under the supervision of the Food and Drug Administration.

7119. Adulteration of dates. U. S. v. 50 Flats of Dates. Default decree of condemnation and destruction. (F. D. C. No. 11615. Sample Nos. 64823-F, 64824-F.)

LIBEL FILED: February 10, 1944, Western District of Washington.

ALLEGED SHIPMENT: On or about December 9, 1943, by United Date Growers of California, from Indio, Calif.

PRODUCT: 50 flats, each containing 15 pounds, of dates at Seattle, Wash.

Examination showed the presence of insect-infested, moldy, and decomposed dates.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance.

DISPOSITION: August 19, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7120. Adulteration of raisins. U. S. v. 24 Cases of Raisins. Default decree of condemnation. Product ordered delivered to a Federal institution. (F. D. C. No. 13378. Sample No. 65761-F.)

LIBEL FILED: On or about August 24, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about April 22, 1944, by Lion Packing Co., Fresno, Calif.

PRODUCT: 24 cases, each containing 150 boxes, of raisins at New York, N. Y.

LABEL, IN PART: (Boxes) "Lion Brand California Seedless Raisins."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles and larvae.

DISPOSITION: September 19, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a Federal Institution. The product was disposed of as hog feed.

7121. Adulteration of raisins. U. S. v. 136 Boxes of Raisins. Default decree of condemnation and destruction. (F. D. C. No. 12946. Sample No. 61696-F.)

LIBEL FILED: July 13, 1944, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about April 10, 1944, by Wm. A. Camp Co., Inc., from New York, N. Y.

PRODUCT: 136 30-pound boxes of raisins at New Orleans, La.

LABEL, IN PART: "Fancy Seeded Muscat Raisins Packed for Lion Packing Co. Fresno, Calif."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects, larvae, and insect excreta.

DISPOSITION: August 25, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

FRESH FRUIT

7122. Adulteration of apples. U. S. v. 42 Baskets of Apples. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 13997. Sample No. 80285-F.)

LIBEL FILED: On or about August 23, 1944, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about August 18, 1944, by W. A. Lesseg, from Golden Eagle, Ill.

PRODUCT: 42 bushel baskets of apples at St. Louis, Mo.

VIOLATION CHARGED: Adulteration, Section 402 (a) (1), the article contained an added poisonous or deleterious substance, lead, which may have rendered it injurious to health.

DISPOSITION: September 18, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution, conditioned that the apples be peeled and cored and the peels and cores destroyed under the supervision of the Food and Drug Administration.