

LABEL, IN PART: "Velvet Brand Alfalfa Meal * * * Protein * * * 17%."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Protein * * * 17%" was false and misleading since the article contained less than 17 percent of protein.

DISPOSITION: March 18, 1946. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$50.

FISH AND SHELLFISH

10285. Adulteration and misbranding of canned mackerel. U. S. v. Parrott & Co. and Coast Grocery Co. Pleas of nolo contendere. Fine of \$50 against each defendant. (F. D. C. No. 17780. Sample Nos. 13550-H, 29204-H, 29205-H.)

INFORMATION FILED: February 13, 1946, Northern District of California, against Parrott & Co. and the Coast Grocery Co., San Francisco, Calif.

ALLEGED SHIPMENT: On or about January 30, 1945, from the State of California into the State of Kentucky.

LABEL, IN PART: "Val Vita Brand California Mackerel * * * Packed by California Sea Food Co., Long Beach, Calif."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish; and, Section 402 (b) (2), a variety of fish, commonly called horse mackerel, had been substituted in whole or in part for mackerel, which the article was represented to be.

Misbranding, Section 403 (a), the label statement "California Mackerel" was false and misleading since it represented and suggested that the article consisted entirely of mackerel. The article did not consist entirely of mackerel, but consisted in part of horse mackerel.

DISPOSITION: July 17, 1946. Pleas of nolo contendere having been entered on behalf of both defendants, the court imposed a total fine of \$50 against each defendant.

10286. Adulteration of anchovy filets. U. S. v. 30 Cases and 300 Cans of Filet of Anchovies. Default decrees of destruction. (F. D. C. Nos. 17649, 17650. Sample Nos. 2931-H, 2932-H.)

LIBELS FILED: October 11 and 15, 1945, Eastern District of Virginia.

ALLEGED SHIPMENT: June 22, 1945, by H. Schoenfeld Sons, from New York, N. Y.

PRODUCT: 30 cases, each containing 100 6-ounce cans, and 300 6-ounce cans of anchovy filets at Richmond and Fort Myer, Va.

LABEL, IN PART: "Club Brand Filet of Anchovies."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance since it was disintegrated and decomposed.

DISPOSITION: December 3 and 4, 1945. No claimants having appeared, judgments were entered ordering that the product be destroyed.

10287. Adulteration of frozen rosefish filets. U. S. v. 3,217 Cartons of Frozen Rosefish Filets. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 17705. Sample Nos. 10932-H, 10936-H, 10937-H.)

LIBEL FILED: October 5, 1945, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about September 11, 1945, by the New England Cold Storage Co., from Portland, Maine.

PRODUCT: 3,217 10-pound cartons of frozen rosefish filets at Pittsburgh, Pa.

LABEL, IN PART: "Rosefish Maine Fillet Co. Inc. Holyoke Wharf Portland Me."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of parasites.

DISPOSITION: October 12, 1945. Morris Benkovitz, Pittsburgh, Pa., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for the elimination of the unfit portion and the salvaging of the fit portion, under the supervision of the Food and Drug Administration.