

PRODUCT: 1 box of frozen ciscoes at Cleveland, Ohio.

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: July 15, 1947. Default decree of condemnation and destruction.

**13280. Adulteration of frozen haddock. U. S. v. 560 Cartons \* \* \*. (F. D. C. No. 21969. Sample No. 76024-H.)**

**LIBEL FILED:** December 16, 1946, Southern District of New York.

**ALLEGED SHIPMENT:** On or about November 12, 1946, by Booth Fisheries, from Denver, Colo.

**PRODUCT:** 560 cartons, each containing 8 5-pound boxes, of frozen haddock at New York, N. Y.

**LABEL, IN PART:** "FZX Hadd Fillet \* \* \* Packed By J. Walsh Fillet Co New York."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a putrid substance. (Examination showed the presence of putrid fish.)

**DISPOSITION:** January 9, 1947. Default decree of condemnation and destruction.

**13281. Misbranding of canned salmon. U. S. v. Ralph S. Fleming. Plea of guilty. Fine, \$1,000 and costs. (F. D. C. No. 24047. Sample Nos. 59976-H to 59978-H, incl., 59981-H.)**

**INFORMATION FILED:** January 15, 1948, Western District of Washington, against Ralph S. Fleming, Seattle, Wash.

**ALLEGED SHIPMENT:** On or about November 6, 1946, from the State of Washington into the State of Pennsylvania.

**LABEL, IN PART:** "West Haven Brand Troll Caught Fancy Salmon Net Wt. 7½ Oz. Packed For Dungeness Crab, Inc., Seattle, Washington," "Open Sea Brand Fancy Chinook Salmon Distributed by Seashore Packing Co., Hoquiam, Washington," "Southern Pride Brand Medium Red Salmon Net Contents 7¾ Oz. When Packed \* \* \* Distributed by Elmer W. Smith, Inc. Seattle, Wash.," or "Fancy Pacific Salmon Troll Caught \* \* \* Packed by Aberdeen Sea Foods Inc. Aberdeen, Wash."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), (West Haven Brand) the label designation "Fancy Salmon" was false and misleading since the product was low quality salmon; (Fancy Pacific Salmon) the label designation "Fancy Pacific Salmon" was false and misleading since the product consisted of average and low quality salmon; (Open Sea Brand) the label designation "Fancy Chinook Salmon" and the statement "Distributed by Seashore Packing Co., Hoquiam, Washington" were false and misleading since the product consisted in part of Chinook salmon of low quality and in part of Coho salmon of low quality, and the product was not distributed by the Seashore Packing Co. of Hoquiam, Washington; and (Southern Pride Brand) the label designation "Medium Red Salmon" and the statement "Distributed by Elmer W. Smith Inc., Seattle, Wash." were false and misleading since the product consisted of salmon of other species, i. e., Chinook and Chum salmon, and it was not distributed by Elmer W. Smith, Inc., Seattle, Wash.

Further misbranding, Section 403 (d), (West Haven Brand and Southern Pride Medium Red Salmon), the containers were so filled as to be misleading (the cans were not filled to capacity); and, Section 403 (e) (2), (Southern Pride Brand) the article failed to bear a label containing an accurate statement of the quantity of the contents since the label bore the statement "Net Contents 7¾ Oz. When Packed," and the cans contained less than 7¾ ounces.

**DISPOSITION:** April 20, 1948. A plea of guilty having been entered, the defendant was fined \$1,000, plus costs.

**13282. Action to enjoin and restrain the interstate shipment of fresh crab meat. U. S. v. Charles W. Howeth, Robert W. Howeth, and Charles W. Howeth & Bro., a partnership. Consent decree granting injunction. (Inj. No. 173.)**

**COMPLAINT FILED:** September 11, 1947, District of Maryland, against Charles W. Howeth and Robert W. Howeth, copartners trading under the firm name of Charles W. Howeth & Bro., Crisfield, Md.

**NATURE OF CHARGE:** That the defendants had been for several years and at the time of the filing of the complaint were engaged in the business of picking and packing crab meat and shucking and packing fresh oysters; that during that time the defendants had been shipping in interstate commerce, fresh crab meat in violation of the law, as follows: Adulteration, Section 402 (a) (3), the product was contaminated with fecal *B. coli*; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

The complaint alleged further that the insanitary conditions in the factory arose out of the presence of rodents and rodent excreta in and around places in the factory where the crab meat was being prepared and in and around the equipment used in its preparation, thereby subjecting it to contamination by rodents and rodent excreta.

**PRAYER OF COMPLAINT:** That the defendants be perpetually enjoined from shipping into interstate commerce adulterated fresh crab meat, and that a preliminary injunction be granted during the pendency of the action.

**DISPOSITION:** November 3, 1947. The defendants having filed an answer praying for dismissal of the complaint but subsequently having consented to the entry of a decree, judgment was entered enjoining and restraining the defendants from introducing or delivering for introduction into interstate commerce any adulterated food, specifically fresh crab meat, which they had manufactured or prepared for shipment or would manufacture or prepare for shipment.

**13283. Adulteration of crab meat. U. S. v. Earl H. Holton (Pamlico Packing Co.).** Plea of guilty. Fine, \$200. (F. D. C. No. 24083. Sample Nos. 90485-H, 90486-H.)

**INFORMATION FILED:** February 5, 1948, Eastern District of North Carolina, against Earl H. Holton, trading as the Pamlico Packing Co., Vandemere, N. C.

**ALLEGED SHIPMENT:** On or about August 27, 1947, from the State of North Carolina into the State of Maryland and the District of Columbia.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance, as evidenced by the presence of fecal *E. coli*; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** April 5, 1948. A plea of guilty having been entered, the court imposed a fine of \$100 on each count, a total fine of \$200.

**13284. Adulteration of crab meat. U. S. v. 1 Barrel \* \* \*** (F. D. C. No. 24841. Sample No. 2046-K.)

**LABEL FILED:** June 21, 1948, District of Maryland.

**ALLEGED SHIPMENT:** On or about June 16, 1948, by Kelly Watson & Co., from Lowlands, N. C.

**PRODUCT:** 2 barrels containing 218 1-pound cans of crab meat at Baltimore, Md.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy animal substance; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth. (Examination showed that the product was contaminated with *E. coli* of fecal origin.)

**DISPOSITION:** July 23, 1948. Default decree of condemnation and destruction.

**13285. Adulteration of crab meat. U. S. v. 1 Box, etc.** (F. D. C. No. 24933. Sample No. 3670-K.)

**LABEL FILED:** June 21, 1948, District of Maryland.

**ALLEGED SHIPMENT:** On or about June 16, 1948, by the Ray Potter Fish & Oyster Co., from Washington, N. C.

**PRODUCT:** Crab meat. 1 box containing 32 1-pound cans and 4 boxes containing 56 1-pound cans at Baltimore, Md.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy animal substance; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have be-