

FEEDS AND GRAINS

18872. Adulteration and misbranding of lespedeza screenings. U. S. v. 1,200 Bags * * *. (F. D. C. No. 33618. Sample No. 53129-L.)

LIBEL FILED: On or about August 4, 1952, Western District of Missouri.

ALLEGED SHIPMENT: On or about January 14, 1952, by Frazier Seed Co., Inc., from Coffeyville, Kans.

PRODUCT: 1,200 unlabeled bags of a product invoiced as "Unground Lespedeza Screenings" at Marshfield, Mo.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), grain sweepings and dirt had been substituted in whole or in part for lespedeza screenings. (Examination showed that the article was a mixture of lespedeza seeds, sorghum, oats, weed seeds, chaff, stems, and dirt.)

Misbranding, Section 403 (b), the article was offered for sale under the name of another food, unground lespedeza screenings; Sections 403 (e) (1) and (2), it was food 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; Section 403 (i) (1), the label failed to bear the common or usual name of the food; and, Section 403 (i) (2), the article was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient.

DISPOSITION: October 8, 1952. Default decree of condemnation and destruction.

18873. Adulteration and misbranding of soybean oil meal. U. S. v. 450 Sacks * * *. Consent decree of condemnation; product ordered released under bond. Motion by Government to forfeit bond for failure to comply with conditions of decree; Government's motion dismissed upon payment of \$2,500 by claimant. (F. D. C. No. 30999. Sample No. 16180-L.)

LIBEL FILED: On or about July 9, 1951, Western District of Missouri.

ALLEGED SHIPMENT: On or about March 3, 1951, by the Eureka Milling Co., from Roanoke, Ill.

PRODUCT: 450 sacks, each containing 100 pounds, of soybean oil meal at Lee's Summit, Mo.

LABEL, IN PART: "Emco 41 Percent Protein Soybean Oil Meal."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), an article containing added calcium carbonate had been substituted in whole or in part for soybean oil meal.

Misbranding, Section 403 (a), the name "Soybean Oil Meal" borne on the label was false and misleading as applied to an article containing added calcium carbonate; and, Section 403 (i) (2), the article was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient since calcium carbonate present in the product was not declared on the label.

DISPOSITION: On August 24, 1951, the Eureka Milling Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond, conditioned

that it be destroyed or brought into compliance with the law, under the supervision of the Federal Security Agency.

On March 24, 1952, the Government filed a motion for the entry of an order forfeiting the bond on the grounds that the claimant had not complied with the provisions of the decree. On September 9, 1952, on motion of the Government, the court ordered that the Government's motion to forfeit the bond be dismissed. On September 11, 1952, the court having found that 71 sacks of the product had been brought into full compliance with the law and that the claimant had paid the sum of \$2,500 to the Government for the release of the remainder of the product, the claimant and surety were released of all liability under the bond, and it was canceled.

FISH AND SHELLFISH

18874. Adulteration of ocean perch fillets. U. S. v. 31 Cartons * * *. (F. D. C. No. 32831. Sample No. 48571-L.)

LABEL FILED: March 1, 1952, District of Minnesota.

ALLEGED SHIPMENT: On or about January 25, 1952, by Gorton-Pew Fisheries Co., Ltd., from Gloucester, Mass.

PRODUCT: 31 cartons, each containing 10 5-pound packages, of ocean perch fillets at Moorhead, Minn.

LABEL, IN PART: "Gorton's of Gloucester Ocean Perch."

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

DISPOSITION: April 22, 1952. Default decree of condemnation. The court ordered that the product be denatured for use as animal feed.

18875. Adulteration and misbranding of canned herring roe and misbranding of canned tuna. U. S. v. Cape King Fisheries, Inc., and Fred Roberts. Pleas of guilty. Corporation fined \$400; individual defendant fined \$100. (F. D. C. No. 32781. Sample Nos. 3148-L to 3150-L, incl., 4360-L, 4362-L, 4367-L, 4512-L.)

INFORMATION FILED: August 11, 1952, District of Massachusetts, against Cape King Fisheries, Inc., New Bedford, Mass., and Fred Roberts.

ALLEGED SHIPMENT: Between the approximate dates of June 22 and September 25, 1951, from the State of Massachusetts into the District of Columbia and the State of Maryland.

LABEL, IN PART: "Cape King * * * light meat Tuna Contents 13 Oz. [or "13½ Oz."] Avd." and "Cape King Herring Roe Contents 15 Oz. Avd."

NATURE OF CHARGE: Herring roe. Adulteration, Section 402 (b) (2), fish roe other than herring roe had been substituted for herring roe, which the food was represented to be. Misbranding, Section 403 (a), the statement "Herring Roe" on the label was false and misleading.

Tuna. Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents (the cans contained less than the labeled amounts).

DISPOSITION: September 15, 1952. Pleas of guilty having been entered, the court fined the corporation \$400 and the individual defendant \$100.