

District of Kansas. On March 12, 1953, the defendants having entered pleas of nolo contendere, the court fined each defendant \$30, plus costs.

19823. Adulteration and misbranding of cattle fattener. U. S. v. Schreiber Mills, Inc. Plea of guilty. Fine, \$125 and costs. (F. D. C. No. 33730. Sample No. 145-L.)

INFORMATION FILED: November 4, 1952, Western District of Missouri, against Schreiber Mills, Inc., St. Joseph, Mo.

ALLEGED SHIPMENT: On or about August 22, 1951, from the State of Missouri into the State of Kansas.

LABEL, IN PART: "Lassy 22% Cattle Fattener."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents, protein and urea, had been in part omitted from the article.

Misbranding, Section 403 (a), the label statements "22% Cattle Fattener Guaranteed Analysis Total Crude Protein and equivalent, not less than 22.00% * * * 3% Urea Equivalent Crude Protein from nonprotein nitrogen 7.86%" were false and misleading since the total crude protein and protein equivalent contained in the article was less than 22 percent; the article contained urea in an amount less than 3 percent; and it contained equivalent crude protein from nonprotein nitrogen in an amount less than 7.86 percent.

DISPOSITION: November 25, 1952. A plea of guilty having been entered, the court fined the defendant \$125 and costs.

FISH AND SHELLFISH

19824. Adulteration of frozen sauger fillets and frozen blue fillets. U. S. v. 184 Cases, etc. (and two other seizure actions). Tried to the court. Verdict for the Government. Decrees of condemnation. (F. D. C. Nos. 33412, 33413. Sample Nos. 33792-L to 33796-L, incl.)

LIBELS FILED: June 23, 1952, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about September 22 and 25, October 11, and November 29, 1951, by Admiral Fisheries, from Wheatley, Ontario, Canada.

PRODUCT: 184 cases, each containing 6 5-pound packages, and 53 cases, each containing 10 5-pound packages, of frozen sauger fillets, and 4 cases, each containing 10 5-pound packages, of frozen blue fillets, at Detroit, Mich.

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

DISPOSITION: Admiral Fisheries appeared as claimant and filed answers in each of the three libel actions, denying that the products were adulterated. Thereafter the Government served a set of written interrogatories upon the claimant. The interrogatories were answered, and the three libel actions then were consolidated for purposes of trial. The trial began on April 14, 1953, and at its conclusion on April 15, 1953, the court announced its findings of fact and conclusions of law as follows:

THORNTON, *District Judge*: "These three matters had been consolidated for the purpose of this hearing, and in Case No. 11839, Case No. 11840 and Case No. 11841 the issues were identical and I believe the pleadings corroborate that fact; and, the issue under consideration for determination is whether or not the 'examination shows the article contains decomposed fish,'—and this is in relation to all three cases—and '4. That the aforesaid article was adulterated when introduced into and while in interstate commerce within the meaning of 21