

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, 1953. Default decree of condemnation and destruction.

20377. Adulteration and misbranding of canned mackerel. U. S. v. 109 Cases
* * *. (F. D. C. No. 34724. Sample No. 18659-L.)

LIBEL FILED: February 27, 1953, Northern District of New York.

ALLEGED SHIPMENT: On or about January 25, 1953, by the Van Camp Sea Food Co., from Terminal Island, Calif.

PRODUCT: 109 cases, each containing 48 15-ounce cans, of mackerel at Colonie, N. Y.

LABEL, IN PART: (Can) "Eatwell Brand California Mackerel Water and Salt Added * * * Packed by French Sardine Co., Inc. Terminal Island, Calif."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), jack mackerel had been substituted in whole or in part for Pacific mackerel, which the article was represented to be.

Misbranding, Section 403 (a), the label statement "Mackerel" and the vignette depicting Pacific mackerel were false and misleading as applied to the article, which was jack mackerel; and, Section 403 (i) (1), the label of the article failed to bear the common or usual name of the article.

DISPOSITION: April 4, 1953. The French Sardine Co. of California having admitted the truth of the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling under the supervision of the Federal Security Agency.

20378. Adulteration and misbranding of canned mackerel. U. S. v. 99 Cases
* * *. (F. D. C. No. 34640. Sample No. 44918-L.)

LIBEL FILED: February 6, 1953, District of Rhode Island.

ALLEGED SHIPMENT: On or about December 1, 1952, by Sun-Pacific, Inc., from San Francisco, Calif.

PRODUCT: 99 cases, each containing 48 15-ounce cans, of mackerel at Providence, R. I.

LABEL, IN PART: (Can) "Sultana Brand Mackerel."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2) horse mackerel (jack mackerel) had been substituted in whole or in part for Pacific mackerel, which the article was represented to be.

Misbranding, Section 403 (a), the label statement "Mackerel" and the vignette depicting Pacific mackerel were false and misleading as applied to the article, which was horse mackerel (jack mackerel); and, Section 403 (i) (1), the label of the article failed to bear the common or usual name of the article.

DISPOSITION: May 21, 1953. Franco-Italian Packing Co., Inc., Terminal Island, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling under the supervision of the Department of Health, Education, and Welfare.