

disputed that if the individual defendant was in such control of the corporation as to constitute same his alter ego that he could escape liability. (U. S. v. Dotterweich supra, p. 282). Equal responsibility however is not avoided as a matter of law even if his relationship to the corporation is something less. (U. S. v. Dotterweich, supra, p. 285.)

"From the facts now before the Court and from a review of the cases which have adopted the reasoning of the Dotterweich decision (United States v. Kaadt 171 F. 2d 600; United States v. Parfait Powder Puff Co. 163 F. 2d 1008; United States v. Walsh 331 U. S. 432; United States v. Bach, supra; Barnes v. United States, supra.), it follows that the motion on the present state of the record must be and is denied, and;

"It is SO ORDERED."

On 6-3-55, the individual changed his plea to guilty, and the court fined the corporation \$200 and the individual \$100.

22414. Washed curd cheese. (F. D. C. No. 36610. S. Nos. 45-812 L, 56-165 L.)
INFORMATION FILED: 10-28-54, N. Dist. N. Y., against Leland Denesha, t/a Russell Village Cheese Factory, Russell, N. Y.

ALLEGED VIOLATION: On 7-16-52, the defendant gave to a firm engaged in the business of shipping cheese in interstate commerce a guaranty to the effect that cheese delivered by the defendant under the guaranty would not be adulterated or misbranded.

On 10-13-53 and 10-20-53, the defendant caused to be delivered to the holder of the guaranty, at Carthage, N. Y., a quantity of cheese that was adulterated.

CHARGE: 402 (a) (3)—contained insect fragments, cow hair fragments, rodent hair fragments, and manure fragments, and prepared from filth-contaminated milk.

PLEA: Guilty.

DISPOSITION: 1-17-55. \$200 fine.

FISH AND SHELLFISH

22415. Canned tuna (15 seizure actions). (F. D. C. Nos. 37492, 37493, 37554, 37562, 37567, 37600, 37601, 37606, 37624, 37625, 37628, 37653, 37770, 37771, 37797. S. Nos. 821 M, 1-045 M, 1-237 M, 3-096 M, 3-098 M, 3-788 M, 3-809 M, 5-982 M, 12-507/8 M, 12-540 M, 13-019 M, 13-904 M, 14-100 M, 18-101 M.)

QUANTITY: 3,938 cases, 48 cans each, at Little Rock, Ark., Memphis, Tenn., New Haven and New London, Conn., Clementon and Perth Amboy, N. J., Jacksonville and Hialeah, Fla., Charlotte, N. C., Bronx, Buffalo, and New York, N. Y., and McConnelsville, Ohio.

Most cans were 6-oz. size, and the remainder were 6½-oz. or 7-oz. size.

SHIPPED: 198 cases were shipped from Batimore, Md., by Francis H. Leggett & Co., on or about 1-20-55, and the other cases were shipped from New Orleans, La., Mobile, Ala., and Ponce, P. R., by South Pacific Canning Co., between 11-15-54 and 12-31-54.

LIBELED: Between 12-27-54 and 2-23-55, E. Dist. Ark., W. Dist. Tenn., Dist. Conn., Dist. N. J., S. Dist. Fla., W. Dist. N. C., S. Dist. N. Y., W. Dist. N. Y., and S. Dist. Ohio.

CHARGE: 402 (a) (3)—alleged to contain decomposed fish when shipped.

DISPOSITION: South Pacific Canning Co., claimant, and the Government having consented, an order was entered on 3-21-55, in the United States District Court