

Farm almost every day within the period from on or about February 12, 1959, to on or about March 17, 1959.

(o) On or about February 27, 1959, Harry Cohen paid to Hilda Compton, Brittany Hills, N.Y., the sum of \$110 for electricity used at the Raymond Packing Co. plant.

(p) Within the period from on or about February 16, 1959, to on or about March 17, 1959, Harry Cohen telephoned the Highland Telephone Co., Monroe, N.Y., and guaranteed payment of the bills for telephone service furnished to the Raymond Packing Co.

On 9-2-59, Harry Cohen pled guilty to the commission of the above-mentioned acts and on 11-9-59, the court ordered that Harry Cohen serve 3 months of the 1-year jail sentence originally suspended, that the balance of the 1-year jail sentence, namely 9 months, be suspended and that he be continued on probation following the expiration of his 3 months imprisonment.

26767. Frozen eggs. (F.D.C. No. 44764. S. No. 25-967 R.)

QUANTITY: 242 30-lb. cans at Los Angeles, Calif.

SHIPPED: 6-2-60, from Lubbock, Tex., by Clary Poultry & Egg Co.

LIBELED: 8-3-60, S. Dist. Calif.

CHARGE: 402(a)(3)—contained decomposed eggs when shipped.

DISPOSITION: 9-20-60. Default—destruction.

FEEDS AND GRAINS

26768. No. 2 tallow. (F.D.C. No. 43091. S. Nos. 15-061 P, 15-562 P.)

INFORMATION FILED: 6-1-60, S. Dist. Ohio, against Kentucky Chemical Industries, Inc., Cincinnati, Ohio, and Emery Industries, Inc., Cincinnati, Ohio.

SHIPPED: 11-14-57 and 12-5-57, from Ohio to Kentucky and Tennessee.

CHARGE: 402(a)(1)—when shipped, the article contained an added poisonous and deleterious substance which may have rendered it injurious to health.

PLEA: Guilty.

DISPOSITION: 6-1-60. Each defendant fined \$2,000.

FISH

26769. Canned tuna. (F.D.C. No. 43560. S. No. 82-785 P.)

QUANTITY: 243 cases, 48 6½-oz. cans each, at Grand Island, Nebr.

SHIPPED: 7-24-59, from Hoquiam, Wash., by Whiz Fish Products Co., Inc.

LABEL IN PART: (Can) "Our Family Chunk Style Tuna * * * Distributed by Nash-Finch Co., Minneapolis, Minn."

LIBELED: 9-28-59, Dist. Nebr.

CHARGE: 403(f)—when shipped, the information required by 403(e)(1) to appear on the label, namely, the name and address of the distributor, was not prominently placed on the label with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render such information likely to be read by the ordinary individual under customary conditions of purchase and use; and 403(h)(2)—the article fell below the standard of fill of container for canned tuna since the standard of fill of container for canned tuna is a fill such that the average weight of the pressed cake from 24 cans in a container designated as 307 x 113 is not less than 3.92

ounces, whereas, the article was in containers of the above-mentioned size and the average weight of the pressed cake from 24 cans was less than 3.92 ounces, and the label of the article failed to bear a statement that the article fell below such standard.

DISPOSITION: 4-13-60. Consent—claimed by Whiz Fish Products Co., Inc., and relabeled.

26770. Flounder fillets and fluke fillets (fish). (F.D.C. No. 42466. S. Nos. 34-487 P, 34-493 P, 35-440 P, 55-264/5 P.)

INDICTMENT RETURNED: 5-13-59, E. Dist. Pa., against Universal Seafood Co., Inc., Philadelphia, Pa., and Daniel Diorio, president and treasurer of the corporation.

ALLEGED VIOLATION: On 3-23-59, while a quantity of fish was being held for sale after shipment in interstate commerce, the defendants, with intent to mislead and defraud, caused a quantity of sodium nitrite to be added to the fish, which act resulted in the fish being adulterated.

CHARGE: 402(a) (1)—the article bore and contained an added poisonous and deleterious substance, sodium nitrite, which rendered the article injurious to health.

PLEA: Nolo contendere.

DISPOSITION: 9-30-59. The court fined the corporation \$100 and the individual \$2,500. In addition, the court imposed a sentence of 1 year in prison against the individual and suspended sentence with respect to 11 months thereof, thereby requiring the defendant to serve 1 month in prison. The court also placed the individual on probation for 3 years. On 10-30-59, the court amended the sentence of the individual to provide for the serving of 16 days in prison instead of the 1 month originally imposed.

26771. Frozen ocean perch fillets. (F.D.C. No. 44727. S. Nos. 7-581 R, 7-661 R.)

QUANTITY: 280 5-lb. ctns., each containing individually cellophane-wrapped frozen ocean perch fillets, at Boston, Mass.

SHIPPED: These fillets were from fish caught by the fishing vessel "Ethelena" in the Atlantic Ocean outside the limits of Massachusetts, between 7-1-60 and 7-3-60.

LIBELED: 7-18-60, Dist. Mass.

CHARGE: 402(a) (3)—contained parasitic copepods and pus pockets when shipped.

DISPOSITION: 9-19-60. Default—destruction.

FRUITS AND VEGETABLES

CANNED FRUIT

26772. Canned peaches. (F.D.C. No. 44741. S. No. 36-640 R.)

QUANTITY: 65 cases, 6 6-lb. 8-oz. cans each, at Philadelphia, Pa.

SHIPPED: 5-23-60, from Yuba City, Calif.

RESULTS OF INVESTIGATION: Examination showed that the article was undergoing decomposition.

LIBELED: 7-26-60, E. Dist. Pa.

CHARGE: 402(a) (3)—contained a decomposed substance while held for sale.

DISPOSITION: 8-17-60. Consent—destruction.