

FISH AND SHELLFISH

28846. Frozen perch fillets. (F.D.C. No. 48996. S. Nos. 56-066/7 V, 56-070/1 V.)

QUANTITY: 190 10-lb. ctns., and 58 50-lb. ctns., each containing 10 5-lb. boxes (each fillet individually wrapped), at Gloucester, Mass.

SHIPPED: The article was in part from fish caught by the fishing vessel "Lady of Good Voyage" in the waters of the Atlantic Ocean outside the territorial limits of the State of Massachusetts and unloaded 5-6-63, at Gloucester, Mass.

LIBELED: 6-5-63, Dist. Mass.

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

DISPOSITION: 6-26-63. Consent—claimed by Hygeia Brand Fillet Co., Inc., Gloucester, Mass., and reconditioned.

28847. Frozen breaded perch. (F.D.C. No. 48415. S. No. 6-473 V.)

QUANTITY: 43 cases, each containing 12 4½-lb. ctns., at Lowell, Mass.

SHIPPED: 11-1-62, from Indianapolis, Ind. This was a return shipment.

LABEL IN PART: (Ctn.) "Quick Frozen Breaded Fish Portions 24-3 Oz. Portions Perch * * * Packed In USA For Acadia Fisheries Ltd. Mulgrave-Nova Scotia."

RESULTS OF INVESTIGATION: Examination showed the article to be pollock fish.

LIBELED: 12-13-62, Dist. Mass.

CHARGE: 403(a)—when shipped, the name "Perch" was false and misleading as applied to a product consisting of pollock fish; and 403(b)—the article was pollock fish which was offered for sale under the name of another food, namely, perch.

DISPOSITION: 1-10-63. Consent—claimed by Commodore Foods, Inc., Lowell, Mass., and relabeled.

28848. Frozen haddock fillets. (F.D.C. No. 48634. S. Nos. 6-960 V, 7-681 V.)

QUANTITY: 6 ctns., each containing 10 5-lb. pkgs., and 19 ctns., each containing 5 10-lb. pkgs., at Boston, Mass.

SHIPPED: The fillets were prepared and packed at Boston, Mass., from fish caught by fishing vessels "Comet" and "Michigan," in the waters of the Atlantic Ocean outside the territorial limits of the State of Massachusetts, which landed the fish at Boston on or about 1-8-63 and 1-9-63.

LIBELED: 2-8-63, Dist. Mass.

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

DISPOSITION: 3-25-63. Default—delivered to a public institution for use as animal feed.

28849. Frozen pollock. (F.D.C. No. 48454. S. Nos. 15-253/4 V.)

QUANTITY: 1,700 lbs. contained in cardboard cases, at Pendleton, Ind.

SHIPPED: 10-9-62 and 10-15-62, from Chicago, Ill., by Pick-Shapiro Fisheries, Inc.

LABEL IN PART: (Cases) "Haddock, 4 Oz. Raw Portions."

LIBELED: On or about 12-12-62, S. Dist. Ind.; amended libel on or about 1-8-63.

CHARGE: 402(b) (2)—when shipped, a substance, namely, pollock fish, had been substituted for haddock fish which the article purported and was represented to be; 403(a)—the name of the article "Haddock" was false and misleading

as applied to a product consisting of pollock fish; and 403(b)—the article was pollock fish which was offered for sale under the name of another food, namely, haddock.

DISPOSITION: 2-7-63. Default—destruction.

28850. Frozen pollock portions and frozen pollock sticks (2 seizure actions).
(F.D.C. No. 48474. S. Nos. 24-111/13 V.)

QUANTITY: 650 lbs. of frozen 4-oz. pollock portions at Michigan City, Ind.; 130 lbs. of frozen 4-oz. pollock portions, and 525 lbs. of frozen pollock sticks, at Fort Wayne, Ind.

SHIPPED: 10-9-62 and 10-16-62, from Chicago, Ill., by Pick-Shapiro Fisheries, Inc.

LABEL IN PART: (Cases of pollock portions) "Haddock 4 oz. Raw Portions"; and "Cod 4 oz. portions 9/5's"; and (cases of pollock sticks) "Cod Sticks 16 to Lb. 9/5's Breaded Lot."

LIBELED: 12-4-62, 12-7-62, N. Dist. Ind.; amended libel 1-9-63.

CHARGE: 403(a)—when shipped, the names of the articles, namely, "Haddock" and "Cod" were false and misleading as applied to a product consisting of pollock; 403(b)—the articles were pollock fish which were offered for sale under the names of other foods, namely, haddock and cod; and, pursuant to the amended libel, 402(b)(2), (650-lb. lot only) pollock fish had been substituted for haddock fish which the article purported and was represented to be.

DISPOSITION: 2-7-63; 1-30-63. Default—destruction.

28851. Frozen breaded fish sticks. (F.D.C. No. 48497. S. No. 24-830 V.)

QUANTITY: 665 lbs. in cases, at Logansport, Ind.

SHIPPED: 10-16-62, from Chicago, Ill., by Pick-Shapiro Fisheries, Inc.

LABEL IN PART: (Case) "COD STICKS 16 TO LB 9/5's BREADED."

RESULTS OF INVESTIGATION: Examination showed that the article consisted of pollock fish.

LIBELED: 1-8-63, N. Dist. Ind.

CHARGE: 402(b)(2)—when shipped, pollock fish had been substituted in whole or in part for codfish; 403(a)—the name of the article, namely, "COD" was false and misleading as applied to a product consisting of pollock fish; and 403(b)—the article was pollock fish which was offered for sale under the name of another food, namely, codfish.

DISPOSITION: 3-11-63. Default—destruction.

28852. Frozen breaded shrimp, breaded soft shell crabs, breaded frog legs, breaded scallops, and fried chicken. (Inj. No. 393.)

COMPLAINT FOR INJUNCTION FILED: 2-8-61, S. Dist. N.Y., against Redi Food Co., Inc., Bronx, N.Y., Bernard Nichols, president, and Harold Nichols, secretary, treasurer and manager of the corporation.

CHARGE: The complaint alleged that the defendants were engaged in preparing, packing, holding and distributing various types of food products including frozen breaded shrimp, breaded soft shell crabs, breaded frog legs, breaded scallops, and fried chicken, and in causing to be introduced and delivered for introduction into interstate commerce such foods which were adulterated under 402(a)(3) because of the presence in the foods of rodent hairs, rodent filth, insect parts, insect filth, cigarette ashes, pieces of plastic materials and