

30403. Adulteration of frozen haddock. U. S. v. 75 Cases of Frozen Haddock. Consent decree of condemnation and destruction. (F. & D. No. 45095. Sample Nos. 31195-D, 41214-D.)

This product, which had been shipped in interstate commerce and remained unsold and in the original packages at the time of examination, was in whole or in part decomposed.

On March 25, 1939, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 75 cases of frozen haddock at Denver, Colo.; alleging that the article had been shipped on or about February 27, 1939, from Boston, Mass.; and charging adulteration in violation of the Food and Drugs Act. The article was label in part: "Taste o' Sea Tenderloins Skinless Haddock * * * O'Donnell-Usen Fisheries Corp."

It was alleged to be adulterated in that it consisted wholly or in part of a decomposed and putrid animal substance.

On April 8, 1939, O'Donnell-Usen Fisheries Corporation, Boston, Mass., having signed an authorization for taking of final decree, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

30404. Adulteration of frozen lobster tails. U. S. v. 10 Cases of Lobster Tails. Default decree of condemnation and destruction. (F. & D. No. 45058. Sample No. 59857-D.)

This product, which had been imported, at the time of examination was in part decomposed.

On March 20, 1939, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 cases of lobster tails at New York, N. Y.; alleging that the article had been shipped from Capetown, South Africa, on or about March 23, 1938, by Hout Bay Canning Co.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Selected Frozen Cape Spiny Lobster Tails * * * Produce of Union of South Africa Rising Sun Brand."

It was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On April 10, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

30405. Alleged adulteration and misbranding of preserves and jams. U. S. v. Fresh Grown Preserve Corporation. Tried to the court and jury. Verdict of not guilty. (F. & D. No. 37933. Sample Nos. 21684-B to 21687-B, inclusive, 43016-B to 43019-B, inclusive, 43023-B, 49913-B to 49917-B, inclusive.)

On June 2, 1937, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Fresh Grown Preserve Corporation, Brooklyn, N. Y., alleging shipment by said company in violation of the Food and Drugs Act, within the period from on or about September 5 to on or about October 25, 1935, from the State of New York into the States of New Jersey and Connecticut, of quantities of preserves and jams which were adulterated and misbranded. The articles were labeled in part: "Natures Own Brand * * * Fresh Grown Preserve Corp."; or "Milrey Brand * * * Milrey Packing Co."

The information alleged that the articles were adulterated in that mixtures deficient in fruit and which contained excess sugar, added water, and added pectin, some of which also contained added acid and others added phosphate, had been substituted for pure blackberry, peach, raspberry, and strawberry preserves, and strawberry, raspberry, cherry, pineapple, and blackberry jams which they purported to be. One lot of raspberry jam was alleged to be adulterated further in that it was artificially colored so as to simulate the appearance of pure raspberry jam and in a manner whereby its inferiority to raspberry jam was concealed.

Misbranding was alleged in that the statements on the labels, "Pure Blackberry [or "Peach," "Raspberry," or "Strawberry"] Preserve," "Pure Strawberry [or "Raspberry," "Cherry," or "Blackberry"] Jam," and "Pineapple Jam," were false and misleading.