

the article had been shipped in interstate commerce on or about June 10, 1940, by the Selvog Fish Co. from Minneapolis, Minn.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On June 27, 1940, Morris Fisheries, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered converted into fertilizer.

**1457. Adulteration and misbranding of canned tuna fish. U. S. v. 17 and 23 Cases of Tuna Fish. Default decree of condemnation and destruction. (F. D. C. No. 1997. Sample No. 10813-E.)**

This product when originally shipped in interstate commerce, was labeled "F. S. C. Brand Tuna Flakes." Subsequent to such shipment a portion was relabeled "White Meat Tuna." It was not white meat tuna but was identical with or similar to yellow fin tuna.

On May 24, 1940, the United States attorney for the Northern District of New York filed a libel against 17 cases of unlabeled and 23 cases of labeled tuna fish at Schenectady, N. Y., alleging that the article had been shipped in interstate commerce on or about January 26 and February 2, 1940, by the Sea Foods Corporation from Manila, P. I., to William A. Camp Co., Inc. at New York, N. Y., bearing the shipper's "F. S. C. Brand Tuna" labels; that after receipt by the William A. Camp Co., Inc., the labels were stripped from the cans and 40 cases were shipped unlabeled on or about April 10, 1940, to Schenectady, N. Y., and invoiced by William A. Camp Co., Inc., as "White Meat Tuna"; that Grosberg-Golub Co., Inc., the firm to which it had been shipped while the article was in interstate commerce relabeled 23 cases in part as follows: "White Meat Tuna Fish Sweet Life \* \* \* Distributed by Sweet Life Food Corp. Brooklyn, N. Y."

Both labeled and unlabeled portions were alleged to be adulterated in that a substance, light meat tuna, had been substituted wholly or in part for white meat tuna, which it purported to be.

The labeled portion was alleged to be misbranded in that the statement "White Meat Tuna" was false and misleading since the article was not white meat tuna; and in that it was offered for sale under the name of another food. The unlabeled portion was alleged to be misbranded in that it was in package form, and while in interstate commerce and when shipped and received in interstate commerce, it failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; an accurate statement of the quantity of the contents; and the common or usual name of the food which it purported to be.

On July 17, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

## FRUITS AND VEGETABLES

### BLUEBERRIES

**1458. Adulteration of blueberries. U. S. v. 13 Crates of Blueberries. Default decree of condemnation and destruction. (F. D. C. No. 3282. Sample No. 34262-E.)**

This product was infested with maggots.

On August 5, 1940, the United States attorney for the Southern District of New York filed a libel against 13 crates of blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 4, 1940, by M. Kundrack from St. Clair, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance. It was labeled in part: "Sunny Mountains Brand Sweet Berries St. Clair, Pa."

On September 10, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

### CANNED FRUITS AND VEGETABLES

**1459. Misbranding of pitted sour cherries. U. S. v. 174 Cans of Pitted Sour Cherries. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 3065. Sample Nos. 27401-E, 27402-E, 27403-E.)**

This product contained excessive pits. It had been shipped in interstate commerce as substandard cherries but had been relabeled after such shipment as standard cherries.