

FISHERIES PRODUCTS

SHELLFISH

1743. Injunction proceedings to restrain shipment in interstate commerce of adulterated crab meat. U. S. v. Paul C. Skrmetta, Sr. (Skrmetta Seafood Co.). Permanent injunction granted. (Sample No. 9026-E.)

On August 5, 1940, the United States attorney for the Eastern District of Louisiana filed a bill of complaint against Paul C. Skrmetta, Sr., trading as Skrmetta Seafood Co. at New Orleans, La., alleging that from on or about May 14, 1940, to the date of filing the complaint the defendant had been engaged in cooking, picking, preparing, and packing crab meat under insanitary conditions whereby it had become contaminated with filth and might have been rendered injurious to health; that the crab meat so prepared and packed consisted in whole or in part of a filthy animal substance which was unfit for food and was adulterated in violation of the Federal Food, Drug, and Cosmetic Act; and that the food so prepared and packed by the defendant was being offered for interstate shipment and was being shipped in interstate commerce; that various shipments of the defendant's crab meat had been seized by the Government; that it was impossible to sample and examine each and every interstate shipment of crab meat which would be offered for interstate shipment by the defendant; and that, therefore, many shipments of adulterated crab meat would enter interstate commerce without being seized and the purpose of the law would be frustrated unless an injunction issued. The complaint prayed further that a preliminary injunction issue and that after due proceeding the preliminary injunction be made permanent.

On August 6, 1940, the defendant, Paul C. Skrmetta, Sr., made answer to the bill of complaint, admitting the allegations therein and consenting to the issuance of a permanent injunction. On the same date a decree was entered perpetually enjoining and restraining the defendant and all of his officers, representatives, agents, servants, and employees, and all persons acting on his behalf from shipping in interstate commerce adulterated crab meat which he had manufactured or would manufacture in the future.

Nos. 1744 to 1747, inclusive, report the seizure and disposition of oysters that contained added water.

1744. Adulteration of oysters. U. S. v. 125 and 25 Pints of Oysters. Default decree of condemnation and destruction. (F. D. C. No. 3569. Sample Nos. 42311-E, 42312-E.)

On December 20, 1940, the United States attorney for the Western District of Pennsylvania filed a libel against 150 pints of oysters at Dubois, Pa., alleging that the article had been shipped in interstate commerce on or about December 17, 1940, by the Crisfield Packing Co. from Crisfield, Md., and charging that it was adulterated. The article was labeled in part: "M & V Brand Salt Water Oysters."

The article was alleged to be adulterated in that water had been substituted wholly or in part therefor; and in that water had been added thereto so as to increase its bulk or weight, reduce its quality or strength, or make it appear better or of greater value than it was.

On January 16, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1745. Adulteration of oysters. U. S. v. 3,200 Pints and 165 Pints of Oysters. Default decree of condemnation and destruction. (F. D. C. Nos. 4083, 4084. Sample Nos. 19383-E to 19386-E, incl.)

On March 28, 1941, the United States attorney for the Western District of Pennsylvania filed libels against a total of 3,365 pints of oysters at Johnstown, Pa., alleging that the article had been shipped in interstate commerce on or about March 24, 1941, by J. C. Lore & Sons from Solomons, Md.; and charging that it was adulterated in that water had been substituted wholly or in part therefor, and in that water had been added thereto or mixed or packed therewith so as to increase its bulk or weight, reduce its quality and strength, or make it appear better or of greater value than it was.

On April 22, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.