of frozen whiting at Denver, Colo., and 5,000 pounds of frozen whiting at Davenport, Iowa, alleging that the article had been shipped in interstate commerce on or about June 24 and September 22, 1941, by Progressive Fish Co. or Progressive Fillet Co. from Gloucester, Mass.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: (Boxes) "15 Lbs. Net H & G Whiting."

On September 17 and October 29, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

CANNED FISH

3073. Adulteration of canned salmon. U. S. v. Morris Muskatell and Jack Muskatell (Morris Muskatell & Sons). Plea of guilty. Fines, $400. (F. D. C. No. 5501. Sample Nos. 52115–E, 60715–E to 60717–E, incl.)

A portion of this product had been damaged by fire at the port of origin; all lots showed the presence of decomposed fish.

On April 1, 1942, the United States attorney for the Western District of Washington filed an information against Morris Muskatell and Jack Muskatell, copartners, trading as Morris Muskatell & Sons at Seattle, Wash., alleging shipment on or about September 22, 1940, and March 19, 1941, from Alaska into the State of Washington of quantities of canned salmon that was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance, and was otherwise unfit for food. The article was labeled in part: "M and J [or "Peter Pan"] Brand * * * Salmon."

On June 15, 1942, the defendants having entered pleas of guilty, the court imposed a fine of $200 and costs upon each defendant.

3074. Adulteration of canned sardines. U. S. v. 8 Cases of Canned Sardines. Default decree of condemnation and destruction. (F. D. C. No. 6043. Sample No. 75540–E.)

Examination of this product showed that it was undergoing progressive spoilage.

On October 20, 1941, the United States attorney for the District of Massachusetts filed a libel against 8 cases of canned sardines at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about May 18, 1940, by Francis H. Leggett & Co. from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. It was labeled in part: "Clita Brand Importe du Portugal * * * Sardine Portoghesi."

On March 30, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

3075. Adulteration of canned seafood. U. S. v. 4 Cases of Oceanburgers. Default decree of condemnation and destruction. (F. D. C. No. 6396. Sample No. 59492–E.)

Examination showed that this product was not sterile and was undergoing progressive decomposition.

On December 12, 1941, the United States attorney for the Eastern District of Virginia filed a libel against 4 cases, each containing 24 cans, of Oceanburgers at Norfolk, Va., alleging that the article had been shipped in interstate commerce on or about November 5, 1941, by the Nomis Corporation from Jacksonville, Fla.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Penguin Brand Oceanburger Net Weight 1 Lb. 2 oz."

On January 27, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

FRUITS AND VEGETABLES

FRESH FRUITS AND VEGETABLES

3076. Adulteration of apples. U. S. v. 798 Boxes of Apples. Default decree of condemnation and destruction. (F. D. C. No. 6527. Sample No. 70227–E.)

This product contained excessive amounts of lead and arsenic.

On December 4, 1941, the United States attorney for the Northern District of Georgia filed a libel against 798 boxes of apples at Rome, Ga., alleging that the article had been shipped in interstate commerce on or about November 24, 1941, by H. S. Denison & Co. from Cashmere, Wash.; and charging that it was adulterated in that it bore or contained poisonous and deleterious substances which might have rendered it injurious to health. The article was labeled in part: "Dainty Maid Brand Apples."

On February 24, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

3077. Adulteration of apples. U. S. v. 36 Boxes of Apples. Default decree of condemnation. (F. D. C. No. 6665. Sample No. 49492-E.)

This product bore spray residue containing lead.

On or about December 26, 1941, the United States attorney for the Northern District of Texas filed a libel against 36 boxes of apples at Dallas, Tex., alleging that the article had been shipped in interstate commerce on or about November 19, 1941, by Independent Whse. Co., from Dryden, Wash.; and charging that it was adulterated in that it contained an added poisonous and deleterious substance, namely, lead, in an amount that might have rendered it injurious to health. The article was labeled in part: "Icicle Brand Washington Apples."

On January 30, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

3078. Adulteration of apples. U. S. v. 27 and 12 Boxes of Apples. Consent decree of condemnation and destruction. (F. D. C. No. 6666. Sample No. 66920-E.)

This product contained added arsenic and lead.

On December 23, 1941, the United States attorney for the Northern District of Illinois filed a libel against 39 boxes of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about November 8, 1941, from Yakima, Wash., by the W. E. Roche Fruit Co.; and charging that it was adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health. The article was labeled in part: "Ex Fancy Jonathan * * * Yak Brand."

On January 20, 1942, the consignee having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

3079. Adulteration of huckleberries. U. S. v. 196 Cases of Canned Huckleberries (and 3 additional seizure actions against huckleberries.) Default decrees of condemnation and destruction. (F. D. C. Nos. 6112, 6136, 6187, 6763. Sample Nos. 60897-E, 60902-E, 60920-E, 60987-E.)

This product contained worms and insect fragments.

Between October 31, 1941, and January 26, 1942, the United States attorneys for the District of Oregon and the Northern District of California filed libels against 302 cases of canned huckleberries at Portland, Oreg., 42 cases at Eugene, Oreg., and 30 cases at San Francisco, Calif., alleging that the article had been shipped in interstate commerce within the period from on or about October 14, 1941, to on or about December 10, 1941, by the Midfield Packers in part from Olympia, Wash., to Portland, Oreg., and in part from Portland, Oreg., to San Francisco, Calif.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: (Can) "Moon-Winks Brand Water Pack Huckleberries"; or "Midfield Brand Water Pack Huckleberries."

On February 20 and March 9, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

3080. Misbranding of lingon berries. U. S. v. 16 Cartons of Lingon Berries. Consent decree of condemnation. Product released under bond for relabeling. (F. D. C. No. 6697. Sample No. 63434-E.)

This product was short of the declared weight, and its label failed to bear an ingredient statement.

On January 14, 1942, the United States attorney for the Western District of Washington filed a libel against 16 cartons of lingon berries at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about December 15, 1941, by the Scandia Commercial Co. from San Francisco, Calif.; and charging that it was misbranded. The article was labeled in part: (Jars) "Scandia Brand Imported Preserved Lingon Berries * * * 16 Ozs. Net."

It was alleged to be misbranded in that the statement on the label, "16 Ozs. Net," was false and misleading as applied to an article that was short weight; (2) in that it was in package form and its label did not bear an accurate statement of the quantity of contents; and (3) in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient.

On February 27, 1942, the Nordic Baking & Importing Co., Seattle, Wash., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.