

FROZEN FISH

5187. Adulteration of frozen garfish fillets. U. S. v. 89 Cartons of Garfish Fillets. Default decree of condemnation and destruction. (F. D. C. No. 9948. Sample Nos. 44865-F, 44866-F.)

On May 14, 1943, the United States attorney for the Eastern District of New York filed a libel against 89 cartons of frozen garfish fillets at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about April 14, 1943, by the Louisiana Shrimp Co. from New Orleans, La.; 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: "Garfish Fillet Packed For Atlas Foods NY."

On August 18, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5188. Adulteration and misbranding of frozen ocean pout fillets. U. S. v. 372 15-Pound Boxes and 426 20-Pound Boxes of Pout Fillets. Default decree of condemnation and destruction. (F. D. C. No. 9942. Sample No. 46308-F.)

Examination of this product showed the presence of parasitized and diseased frozen fish. Practically all of the 20-pound boxes were unlabeled except for the inconspicuous statement "Net Wt. 20 lbs." Some of the 15-pound boxes were labeled "Ocean Pout"; some were labeled "Flounder Fillets"; on some the word "Flounder" was crossed off but nothing was written in its place; and on others the word "Flounder" was crossed off and "Pout" was written in with black wax pencil in varying degrees of legibility.

On May 13, 1943, the United States attorney for the District of Maryland filed a libel against 372 15-pound boxes and 426 20-pound boxes of ocean pout fillets at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about May 1, 1943, by J. Adams & Co. from Boston, Mass.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that it consisted in whole or in part of filthy substances, and in that it was in whole or in part the product of a diseased animal.

The article in 20-pound boxes was alleged to be misbranded (1) in that it was in package form and failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; (2) in that the statement of the quantity of the contents, required by the act to appear on the label, was not prominently placed thereon with such conspicuousness as to render it likely to be read by the ordinary individual under customary conditions of purchase and use; and (3) in that its label failed to bear the common or usual name of the food. The article in some of the 15-pound boxes was alleged to be misbranded (1) in that the name "Flounder" borne on some of the boxes was false and misleading as applied to ocean pout; (2) in that the common or usual name of the food, required by the act to appear on the label, was not prominently placed thereon with such conspicuousness as to render it likely to be read by the ordinary individual under customary conditions of purchase and use; and (3) in that its label failed to bear the common or usual name of the food.

On June 23, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5189. Adulteration of frozen ocean pout fillets. U. S. v. 1,606 Boxes and 1,453 Boxes of Frozen Fillets. Consent decrees of condemnation. Product ordered released under bond for salvaging the good portion. (F. D. C. Nos. 9858, 9965. Sample Nos. 38264-F, 38266-F, 38289-F.)

On April 24 and May 21, 1943, the United States attorney for the Northern District of Illinois filed a libel against a total of 3,059 boxes of frozen fillets at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about March 27 and May 4, 1943, by the Seaview Fish Co. from New Bedford, Mass.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance, parasitized and diseased fish, and in that it was in whole or in part the product of a diseased animal.

On April 29 and June 12, 1943, Albert E. Burhop, Chicago, Ill., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond for separating and salvaging the good portion, under the supervision of the Food and Drug Administration.

5190. Adulteration of frozen ocean pout fillets. U. S. v. 150 Boxes of Frozen Fillets. Default decree of condemnation and destruction. (F. D. C. No. 9863. Sample No. 37960-F.)

On April 27, 1943, the United States attorney for the Northern District of Illinois filed a libel against 150 boxes of frozen ocean pout fillets at Chicago, Ill.,