

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.,

alleging that the article had been shipped in interstate commerce on or about April 8, 1943, by the New Bedford Fillet 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. The article was labeled in part: "Ocean Pout Fillets Packed by N. B. Fillet Co. New Bedford, Mass."

On June 17, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5191. Adulteration of frozen ocean pout fillets. U. S. v. 67 Boxes, 794 Boxes, and 194 Boxes of Ocean Pout Fillet. Decrees of condemnation and destruction. (F. D. C. Nos. 9941, 9983. Sample Nos. 3184-F, 3185-F, 44539-F.)

On or about May 17 and 21, 1943, the United States attorneys for the Districts of New Jersey and Nebraska filed libels against 67 boxes of frozen fish at Newark, N. J., and 988 boxes of frozen fish at Omaha, Nebr., alleging that the article had been shipped in interstate commerce on or about April 26 and May 2, 1943, by L. S. Eldridge & Son from New Bedford, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, parasitized and decomposed ocean pout, and in that it was in whole or in part the product of a diseased animal. The article was labeled in part: "Finest Fillet Co. [or "Union Fillet Co.," or "Cape Cod Fillet Co.,"] New Bedford, Mass."

The consignee of the lot seized at Omaha having consented to the entry of a decree, and no appearance having been entered in the remaining action, judgments of condemnation were entered on May 28 and June 21, 1943, and the product was ordered destroyed.

5192. Adulteration of frozen rosefish fillets. U. S. v. 310 Boxes of Rose Fish Fillets. Default decree of condemnation and destruction. (F. D. C. No. 9798. Sample No. 38267-F.)

On April 17, 1943, the United States attorney for the Northern District of Illinois filed a libel against 310 boxes of frozen rosefish fillets at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about April 2, 1943, by Busalacchi Brothers from Boston, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, parasites. The article was labeled in part: (Boxes) "Seakist Brand Fish * * * Rose Fish Fillets."

On June 14, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

SHELLFISH

5193. Adulteration and misbranding of canned crab meat. U. S. v. 37 Cases of Canned Crabmeat. Default decree of condemnation and destruction. (F. D. C. No. 9894. Sample No. 8961-F.)

On May 6, 1943, the United States attorney for the Southern District of Texas filed a libel against 37 cases of canned crab meat at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about November 3, 1942, by the Skrmetta Seafood Co. from New Orleans, La.; and charging that it was adulterated and misbranded. The article was labeled in part: (Cans) "Sea Treasure Brand * * * Vacuum Packed Claw Meat American Crab Meat Packed by Skrmetta Seafood Company New Orleans, La."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed substance.

It was alleged to be misbranded in that the statement "Packed By Skrmetta Seafood Company New Orleans, La.," was false and misleading since the goods were packed by the Cutchet Canning Co., Westwego, La.

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

5194. Adulteration of canned oysters. U. S. v. 31 Cases of Canned Oysters. Default decree of condemnation and destruction. (F. D. C. No. 9874. Sample No. 6098-F.)

Examination of this product showed the presence of decomposed oysters.

On April 27, 1943, the United States attorney for the Eastern District of Missouri filed a libel against 31 cases, each containing 48 cans, of oysters at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about February 2, 1943, by the McPhillips Packing Co. from Bayou La Batre, Ala.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: (Cans) "Broadcast Brand Oysters."