

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, protein, had been in part omitted from the product.

Misbranding, Section 403 (a), the label statement "Analysis Protein . . . 50%" was false and misleading, since the product contained less than 50 percent of protein.

DISPOSITION: October 28, 1947. A plea of nolo contendere having been entered on behalf of the defendant, a fine of \$50 was imposed.

13102. Misbranding of Semi-Solid Pig Emulsion. U. S. v. 17 Barrels * * *.
(F. D. C. No. 15707. Sample No. 13528-H.)

LIBEL FILED: March 20, 1945, Southern District of Indiana.

ALLEGED SHIPMENT: On or about October 24, 1944, by the Consolidated Products Co., from Danville, Ill.

PRODUCT: 17 barrels, each containing 400 pounds, of Semi-Solid Pig Emulsion at Lebanon, Ind. Analysis showed that the product was a semisolid mixture of water, casein, lactose, mineral salts, and fats, including fish oil, and that it contained 9.27 percent of protein.

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Guaranteed Analysis * * * Crude protein, not less than . . . 11.0%" was false when applied to an article containing a lesser quantity of protein.

The article was alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices.

DISPOSITION: The Consolidated Products Co., claimant, filed an answer admitting for the purpose of the instant case only, that the product was misbranded, but stating specifically that the admission was made without prejudice to the right of the claimant to allege and prove in any other action that the product or any like or similar product was not a drug and was not misbranded. The claimant also consented to the entry of a decree of condemnation against the product. In accordance with the answer and consent of the claimant, judgment of condemnation was entered on September 7, 1945, and the product was ordered released under bond for the purpose of relabeling under the supervision of the Federal Security Agency. On October 29, 1945, the claimant filed a report with reference to the disposition of the product, alleging that by reason of a mistake made in good faith the product had been redelivered to the claimant and reprocessed and used in the feeding of hogs on an experimental farm owned by the claimant, prior to the entry of the decree of condemnation. On the same date, the court having found that the above-described disposition of the product was occasioned by a good-faith mistake, an order was entered providing for the cancellation of the bond and the release of the claimant and its surety from further liability thereon.

FISH AND SHELLFISH

13103. Adulteration of frozen rosefish fillets. U. S. v. Independent Fish Co., James Tringali, and Norman Hannibal. Pleas of guilty. Total fines \$300. (F. D. C. No. 22012. Sample Nos. 1845-H, 1914-H.)

INFORMATION FILED: August 22, 1947, District of Massachusetts, against the Independent Fish Co., a partnership, Gloucester, Mass., James Tringali, a partner, and Norman Hannibal, foreman.

ALLEGED VIOLATIONS: The defendants were charged with shipping, on or about May 2, 1946, a consignment of adulterated frozen rosefish fillets from the State of Massachusetts into the State of South Carolina. The defendants were charged also with giving a false guaranty. The guaranty was given to the Progressive Fish Wharf, Inc., Gloucester, Mass., on or about November 14, 1945, and guaranteed that any fish sold by the defendants to the latter firm would pass all United States Food and Drug inspections. Between the approximate dates of November 14, 1945, and May 2, 1946, the defendants sold and delivered to the Progressive Fish Wharf, Inc., a number of boxes of fish which were adulterated. On or about May 2, 1946, the Progressive Fish Wharf, Inc., shipped the fish from the State of Massachusetts into the State of Georgia.

LABEL, IN PART: "Pride of Gloucester Frosted Rosefish Fillets."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of parasites.

DISPOSITION: April 21, 1948. Pleas of guilty having been entered, the defendants were each fined \$100.

13104. Adulteration of sardine herring. U. S. v. Juliano Bros. Plea of nolo contendere. Fine, \$500. (F. D. C. No. 24103. Sample Nos. 87712-H, 87713-H.)

INFORMATION FILED: February 24, 1948, District of Connecticut, against Juliano Bros., a partnership, New Haven, Conn.

ALLEGED SHIPMENT: On or about July 2, 1947, from the State of Connecticut into the State of New York.

NATURE OF CHARGE: Adulteration, Section 402 (a) (5), the article was in part the product of diseased fish.

DISPOSITION: April 30, 1948. A plea of nolo contendere having been entered, the court imposed a fine of \$250 on each of the 2 counts of the information.

13105. Adulteration of frozen whiting. U. S. v. 169 Boxes * * *. (F. D. C. No. 24577. Sample No. 19264-K.)

LIBEL FILED: March 31, 1948, Northern District of Ohio.

ALLEGED SHIPMENT: On or about March 19, 1948, by the Live Fish Co., from Pittsburgh, Pa.

PRODUCT: 169 20-pound boxes of frozen whiting at Cleveland, Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a putrid substance. (Examination showed the presence of putrid fish.)

DISPOSITION: May 12, 1948. Default decree of condemnation and destruction.

13106. Adulteration of frozen whiting, frozen yellow pike, and frozen ocean perch. U. S. v. 171 Boxes * * * (and 3 other seizure actions). (F. D. C. Nos. 23863, 23969, 24121, 24409. Sample Nos. 317-K, 8706-K, 18152-K, 22440-K, 22441-K.)

LIBELS FILED: Between October 23, 1947, and January 14, 1948, Northern District of Alabama, Middle District of Tennessee, Northern District of Georgia, and Southern District of New York.

ALLEGED SHIPMENT: Between the approximate dates of September 9 and November 3, 1947, by Morris Fisheries, Inc., from Chicago, Ill.

PRODUCT: 171 boxes at Nashville Tenn., 340 boxes at Birmingham, Ala., and 1,684 boxes at Atlanta, Ga., each box containing 10 pounds of frozen whiting; 406 10-pound cartons of frozen ocean perch at Birmingham, Ala.; and 15 boxes, containing 887 pounds, of frozen yellow pike at New York, N. Y.

LABEL, IN PART: (Portion) "Seacrest Brand Ocean Perch * * * Packed by New England Fillet Company Inc., Boston, Mass."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of a decomposed or putrid substance. (Examination showed the presence of decomposed and putrid fish.)

DISPOSITION: Between November 17, 1947, and March 23, 1948. Default decrees of condemnation and destruction.

13107. Adulteration of frozen yellow pike. U. S. v. 6 Boxes * * *. (F. D. C. No. 24193. Sample No. 8714-K.)

LIBEL FILED: On or about December 18, 1947, Southern District of New York.

ALLEGED SHIPMENT: On or about October 18, 1947, by the Waldman's Fish Co., from Montreal, Canada.

PRODUCT: 6 boxes, containing 776 pounds, of frozen yellow pike at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. (Examination showed the presence of decomposed fish.)

DISPOSITION: January 7, 1948. Default decree of condemnation and destruction.