

cient excuse for such grossly neglectful behavior. To require the courts to permit their decrees to be amended by such out-of-court agreements with third parties as is here before us would create chaos in the enforcement of these decrees.

"Finally, there was no error in the refusal to continue the proceedings to permit appellants to procure the testimony of certain witnesses. Appellants received due notice that the hearing of the motion to forfeit was to be held on June 7, 1948. They had ample opportunity to procure any evidence they wished to present. Even if it is considered that a formal motion for continuance was made, no testimony was offered to sustain that motion. Appellants did not claim a diligent attempt by them to procure the desired testimony or offer a reasonable excuse for their inability to present this testimony on the date for which the hearing had long been set. But apart from the technical defects in appellants' position and entirely on practical considerations, the conduct of appellants as outlined above did not entitle them to any further consideration. "The judgments of the District Court forfeiting the bonds are affirmed."

**14596. Adulteration of canned sardines. U. S. v. 71 Cases \* \* \*. (F. D. C. No. 26086. Sample No. 10110-K.)**

**LIBEL FILED:** November 24, 1948, Southern District of New York.

**ALLEGED SHIPMENT:** On or about April 8, 1948, by the Romeo Packing Co., from San Francisco, Calif.

**PRODUCT:** 71 cases, each containing 48 15-ounce cans, of sardines at New York, N. Y.

**LABEL, IN PART:** "Valco California Sardines."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product was unfit for food by reason of its being disintegrated and by reason of its marked metallic flavor.

**DISPOSITION:** December 14, 1948. Default decree of condemnation and destruction.

**14597. Adulteration of frozen tullibeas. U. S. v. 231 Boxes \* \* \*. Tried to the court. Verdict for the Government. Decree of condemnation. (F. D. C. No. 25946. Sample No. 31592-K.)**

**LIBEL FILED:** November 18, 1948, Southern District of California.

**ALLEGED SHIPMENT:** On or about October 28, 1948, by Keystone Fisheries, Ltd., from Minneapolis, Minn.

**PRODUCT:** 231 125-pound boxes of frozen tullibeas at Los Angeles, Calif.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of parasitic worms.

**DISPOSITION:** Keystone Fisheries, Ltd., claimant, filed an answer denying that it had shipped the product in interstate commerce and that the product was adulterated, and it alleged that the court did not have jurisdiction since the product was in import status. The case came on for trial before the court on March 4, 1949, and at its conclusion was taken under advisement by the court. On March 22, 1949, the court handed down the following findings of fact and conclusions of law:

"HARRISON, *District Judge*:

**FINDINGS OF FACT**

"(1) Keystone Fisheries, Ltd., is a corporation duly organized and existing under and by virtue of the laws of the Dominion of Canada, with its principal place of business in the City of Winnipeg, Canada.