

Misbranding, Section 403 (a), the label statement "18% Butterfat" was false and misleading since the product contained less than 18 percent butterfat; and, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. The cans contained less than 10 fluid ounces, the volume declared on the label.

DISPOSITION: January 13, 1950. Dairy Dream Farms, Inc., having appeared as claimant, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

FISH AND SHELLFISH

15624. Adulteration and misbranding of frozen haddock fillets. U. S. v. Jacob H. Cherry (Neptune Packing Co.). Plea of guilty. Defendant fined \$150 and placed on probation for 2 years. (F. D. C. No. 23590. Sample Nos. 60570-H, 74585-H, 91285-H.)

INFORMATION FILED: October 14, 1947, District of New Jersey, against Jacob H. Cherry, manager of the Neptune Packing Co., Atlantic City, N. J.

ALLEGED SHIPMENT: Between the approximate dates of February 27 and April 2, 1947, from the State of New Jersey into the States of Pennsylvania, Massachusetts, and Connecticut.

LABEL, IN PART: "Frosted Seafoods Neptune Fillet Haddock."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), frozen hake fillets had been substituted in whole or in part for frozen haddock fillets.

Misbranding, Section 403 (a), the label statement "Fillet Haddock" was false and misleading since the statement represented and suggested that the article consisted of fillet haddock, whereas the article consisted of fillet hake.

DISPOSITION: March 12, 1948. A plea of guilty having been entered, the court fined the defendant \$150 and placed him on probation for two years. The court provided that the fine should be paid at the rate of \$25 per month, and that as soon as it was paid, the period of probation would end.

15625. Misbranding of canned salmon. U. S. v. United Food Specialty Co. and Morris Friedman. Pleas of guilty. Joint fine of \$5,000. (F. D. C. No. 24245. Sample Nos. 66763-H, 66765-H, 66768-H, 69789-H.)

INDICTMENT RETURNED: April 27, 1948, Eastern District of Michigan, against the United Food Specialty Co., a partnership, Detroit, Mich., and Morris Friedman, a partner.

ALLEGED SHIPMENT: On or about November 18, 1946, and April 14, 16, and 23, and May 5, 1947, from the State of Michigan into the States of Illinois and New York.

NATURE OF CHARGE: Misbranding, Section 403 (a), (portion) the statements "Columbia River * * * Chinook Salmon" and "Bumble Bee Brand * * * Packed By Columbia River Packers Assn., Inc., Astoria, Oregon," borne on the label, were false and misleading since the product was not Chinook salmon but was red salmon; and it was not Bumble Bee Brand salmon, and it was not packed by the Columbia River Packers Assn., Inc. Further misbranding, Section 403 (e) (1), the product failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor.

Further misbranding, Section 403 (a), (remainder) the label statement "Chinook Salmon" was false and misleading since the product was red salmon.

DISPOSITION: November 18, 1948. Pleas of guilty having been entered, the defendants were jointly fined \$5,000.

15626. Adulteration of canned sardines. U. S. v. 274 Cases * * *. (F. D. C. No. 25943. Sample No. 32443-K.)

LIBEL FILED: November 17, 1948, Northern District of California.

ALLEGED SHIPMENT: On or about June 26 and July 1, 1948, respectively, from Hilo, T. H., and Honolulu, T. H. These were return shipments.

PRODUCT: 274 cases, each containing 48 15-ounce cans, of sardines at San Francisco, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was unfit for food by reason of the presence therein of mushy and disintegrated fish.

DISPOSITION: January 11, 1950. Default decree of condemnation and destruction.

15627. Adulteration of frozen tullibees. U. S. v. Approximately 2,400 Pounds * * * (and 1 other seizure action). (F. D. C. Nos. 27988, 27994. Sample Nos. 56390-K to 56392-K, incl.)

LIBELS FILED: September 21 and 23, 1949, Eastern District of New York.

ALLEGED SHIPMENT: On or about March 24 and June 17 and 24, 1949, by the Booth Fisheries Canadian Co., Ltd., from Winnipeg, Manitoba, Canada.

PRODUCT: 4,650 pounds of frozen tullibees at Brooklyn, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), a portion of the article (1,250 pounds) consisted in whole or in part of a filthy substance by reason of the presence of parasitic worms; a portion (2,400 pounds) consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish; and the remainder (1,000 pounds) consisted in whole or in part of a filthy substance by reason of the presence of parasitic worms, and of a decomposed substance by reason of the presence of decomposed fish.

DISPOSITION: November 10, 1949. Default decrees of condemnation and destruction.

15628. Adulteration of frozen whiting fillets. U. S. v. Morris Benkovitz (Live Fish Co.). Plea of nolo contendere. Fine of \$100 and costs. (F. D. C. No. 25303. Sample No. 19264-K.)

INFORMATION FILED: October 5, 1948, Western District of Pennsylvania, against Morris Benkovitz, trading as the Live Fish Co., Pittsburgh, Pa.

ALLEGED SHIPMENT: On or about March 19, 1948, from the State of Pennsylvania into the State of Ohio.

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

DISPOSITION: December 8, 1949. A plea of nolo contendere having been entered, the defendant was fined \$100, together with costs.

15629. Adulteration of canned clams. U. S. v. 48 cans * * * (and 1 other seizure action). (F. D. C. Nos. 27956, 27963. Sample Nos. 30442-K, 30443-K.)

LIBELS FILED: November 2 and 10, 1949, Southern District of California.

ALLEGED SHIPMENT: On or about June 20, 1949, by the Haines Oyster Co., from Seattle, Wash.