

17326. Misbranding of frozen perch fillets. U. S. v. 80 Cases * * *. (F. D. C. No. 27935. Sample No. 36871-K.)

LIBEL FILED: October 21, 1949, Western District of Washington.

ALLEGED SHIPMENT: On or about July 14, 1949, by the Yaquina Bay Fish Co., from Newport, Oreg.

PRODUCT: 80 cases, each containing 6 5-pound packages, of frozen perch fillets at Seattle, Wash.

LABEL, IN PART: "Newport Brand Ocean Perch Fillets."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Ocean Perch" was false and misleading as applied to an article consisting of rockfish.

DISPOSITION: On December 2, 1949, the Yaquina Bay Fish Co., claimant, filed an answer to the libel, denying that the product was misbranded. On December 29, 1949, the Government filed a motion to strike claimant's answer, which motion was denied on March 20, 1950. On June 22, 1951, the claimant having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling, under the supervision of the Food and Drug Administration. The relabeling was to include, specifically, the use of the name "Pacific Ocean Perch."

17327. Adulteration of canned salmon. U. S. v. 49 Cases * * *. (F. D. C. No. 30505. Sample No. 13054-L.)

LIBEL FILED: January 31, 1951, District of Colorado.

ALLEGED SHIPMENT: On or about November 15, 1950, from Seattle, Wash.

PRODUCT: 49 cases, each containing 48 7½-ounce cans, of salmon at Denver, Colo. This product was undergoing progressive spoilage.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: March 16, 1951. The Dungeness Sales Co., Seattle, Wash., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation of the fit from the unfit, under the supervision of the Food and Drug Administration. Of the 45 cases and 17 cans of the product which were seized, 4 cases and 7 cans were destroyed and the remainder was released as good.

17328. Adulteration of canned minced clams. U. S. v. 127 Cases * * *. (F. D. C. No. 30691. Sample No. 12870-L.)

LIBEL FILED: March 20, 1951, District of Colorado.

ALLEGED SHIPMENT: On or about October 30, 1950, by G. P. Halferty & Co., from Seattle, Wash.

PRODUCT: 127 cases, each containing 48 7-ounce cans, of minced clams at Denver, Colo. Examination of the product showed the presence of excessive packing medium.

LABEL, IN PART: "Pioneer Brand Minced Sea Clams."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), diluted clam juice had been substituted in part for minced clams.