

FISH AND SHELLFISH

17420. Adulteration of frozen flounder fillets. U. S. v. A. & D. Fillet Co., a partnership, and Anthony Cognato. Plea of guilty. Anthony Cognato fined \$1 and sentenced to 6 months' imprisonment; prison sentence suspended and individual placed on probation for 6 months. Action against partnership dismissed. (F. D. C. No. 28139. Sample Nos. 19890-K, 54121-K.)

INFORMATION FILED: October 3, 1950, District of Massachusetts, against the A. & D. Fillet Co., a partnership, Gloucester, Mass., and Anthony Cognato, a partner.

ALLEGED VIOLATION: On or about April 11, 1949, the defendants gave to a firm engaged in the business of shipping fish in interstate commerce, at Gloucester, Mass., a guaranty to the effect that no product sold by the defendant to the holder of the guaranty would be adulterated or misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act. On or about June 13, 1949, the defendant sold and delivered under the guaranty, at Gloucester, Mass., a number of cartons of fish that were adulterated.

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

DISPOSITION: On April 16, 1951, a plea of guilty having been entered by the individual defendant, the court imposed a fine of \$1 and sentenced him to 6 months' imprisonment. The prison sentence, however, was suspended and he was placed on probation for 6 months. On July 24, 1951, the charges against the partnership were dismissed in open court, since the partnership had been dissolved and was without funds.

17421. Adulteration of frozen ocean perch fillets. U. S. v. Rocky Bay Fishing Co., a partnership. Plea of nolo contendere. Fine, \$250. (F. D. C. No. 30055. Sample Nos. 42978-K, 60374-K, 60375-K.)

INFORMATION FILED: January 12, 1951, District of Massachusetts, against the Rocky Bay Fishing Co., a partnership, Gloucester, Mass.

ALLEGED SHIPMENT: On or about March 4, 13, and 16, 1950, from the State of Massachusetts into the States of Ohio, Indiana, and Illinois.

LABEL, IN PART: (Package) "Icybay Ocean Perch Fillets * * * Slade Gorton Co. Gloucester, Mass."

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

DISPOSITION: March 20, 1951. A plea of nolo contendere having been entered, the court imposed a fine of \$250.

17422. Adulteration and misbranding of oysters. U. S. v. H. Allen Smith. Plea of guilty. Fine of \$250 on count 1; sentence on count 2 suspended and defendant placed on probation for 2 years. (F. D. C. No. 30099. Sample No. 66984-K.)

INDICTMENT FILED: May 7, 1951, Eastern District of Virginia, against H. Allen Smith, trading and doing business at Cheriton, Va.