

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: April 13, 1951. Default decree of condemnation and destruction.

17463. Adulteration of rice. U. S. v. 8 Bags * * *. (F. D. C. No. 30815. Sample No. 12863-L.)

LIBEL FILED: February 27, 1951, District of New Mexico.

ALLEGED SHIPMENT: On or about November 28, 1950, from Houston, Tex.

PRODUCT: 8 100-pound bags of rice at Albuquerque, N. Mex., in possession of the Heights Wholesale Grocery Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent urine and rodent pellets; and, Section 402 (a) (4), the product had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: March 29, 1951. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution for use as animal feed.

FISH AND SHELLFISH

17464. Adulteration and misbranding of codfish. U. S. v. 27 Cartons * * *. (F. D. C. No. 30775. Sample No. 25216-L.)

LIBEL FILED: March 12, 1951, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about November 17, 1950, and January 29, 1951, by J. W. Beardsley's Sons, from Newark, N. J.

PRODUCT: 27 5-pound cartons of fibered codfish at Philadelphia, Pa.

LABEL, IN PART: (Carton) "Matchless Fibered Codfish in Bulk."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), an article containing pieces of bone had been substituted in whole or in part for fibered codfish, which is expected to be free from bones.

Misbranding, Section 403 (a), the label statement "Fibered Codfish" was false and misleading as applied to a product in which a substantial amount of the bones remained.

DISPOSITION: May 14, 1951. Default decree of condemnation and destruction.

17465. Adulteration of canned mackerel and sardines. U. S. v. 299 Cases, etc. (F. D. C. No. 30840. Sample Nos. 17951-L, 17952-L.)

LIBEL FILED: February 19, 1951, Middle District of Alabama.

ALLEGED SHIPMENT: On or about January 5, 1951, by Cal-Cap Fisheries, Inc., from Wilmington, Calif.

PRODUCT: 299 cases, each containing 48 15-ounce cans, of jack mackerel, and 299 cases, each containing 48 15-ounce cans, of sardines at Dothan, Ala.

LABEL, IN PART: "Cal-Cap Brand California Jack Mackerel [or "Sardines"]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of decomposed substances by reason of the presence of decomposed fish.

DISPOSITION: April 5, 1951. Cal-Cap Fisheries, Los Angeles, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the products be released under bond for segregation of the fit portion from the unfit, under the supervision of the Federal Security Agency. Segregation resulted in the release of 281 cases and 31 cans of mackerel and 284 cases and 21 cans of sardines as fit. The unfit portions of both products were destroyed.

17466. Misbranding of canned tuna. U. S. v. 16 Cases * * *. (F. D. C. No. 30826. Sample No. 3856-L.)

LIBEL FILED: On or about February 13, 1951, District of Maryland.

ALLEGED SHIPMENT: On or about January 10, 1951, by Cape King Fisheries, Inc., from New Bedford, Mass.

PRODUCT: 16 cases, each containing 24 cans, of tuna at Baltimore, Md.

LABEL, IN PART: (Can) "Cape King Solid Pack Light Meat Tuna Contents 13½ Oz. Avd."

NATURE OF CHARGE: Misbranding, 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 the declared weight.

DISPOSITION: June 9, 1951. Default decree of condemnation. The court ordered that the product be released to charitable institutions.

17467. Adulteration and misbranding of canned herring roe and canned herring roe blended with cod and yellowtail roe. U. S. v. 15 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 30878, 30879. Sample Nos. 3335-L, 3336-L.)

LIBELS FILED: On or about March 28, 1951, District of Maryland.

ALLEGED SHIPMENT: On or about February 5, 1951, by Cape King Fisheries, Inc., from New Bedford, Mass.

PRODUCT: 15 cases, each containing 24 15-ounce cans, of a product represented to be herring roe at Dundalk, Md.; and 9 cases, each containing 48 cans, a portion of which was represented to be herring roe and another portion represented to be herring roe blended with cod and yellowtail roe at Baltimore, Md.

LABEL, IN PART: (Can) "Cape King Herring Roe" and "Cape King Herring Roe Blended with Cod and Yellowtail Roe."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, herring roe, had been in part omitted; and, Section 402 (b) (2), roe other than herring roe had been substituted in whole or in part for herring roe.

Misbranding, Section 403 (a), the label statements "Cape King Herring Roe" and "Cape King Herring Roe Blended with Cod and Yellowtail Roe" were false and misleading as applied to articles which contained no herring roe.

DISPOSITION: June 9, 1951. Default decree of condemnation. The court ordered that the products be delivered to charitable institutions, for human consumption and not for sale.