

FISH AND SHELLFISH

19229. Adulteration of canned tuna. U. S. v. 129 Cases * * *. (F. D. C. No. 32922. Sample No. 7696-L.)

LIBEL FILED: March 27, 1952, Western District of New York.

ALLEGED SHIPMENT: On or about November 23, 1951, by Wilbur Ellis Co., Inc., from New Bedford, Mass.

PRODUCT: 129 cases, each containing 48 7-ounce cans, of tuna at Jamestown, N. Y.

LABEL, IN PART: "Red & White Brand Solid Pack Light Meat Tuna."

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

DISPOSITION: April 22, 1952. Default decree of condemnation and destruction.

19230. Misbranding of canned sardines. U. S. v. 298 Cases * * *. (F. D. C. No. 33075. Sample No. 41953-L.)

LIBEL FILED: April 16, 1952, District of Oregon.

ALLEGED SHIPMENT: On or about April 1, 1952, by Oxnard Cannery, Inc., from Monterey, Calif.

PRODUCT: 298 cases, each containing 24 cans, of sardines at Portland, Oreg.

LABEL, IN PART: "Pheasant Brand Sardines In Tomato Sauce Net Contents 15 Oz."

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 since the cans contained less than the labeled 15 ounces.

DISPOSITION: July 1, 1952. Oxnard Cannery, Inc., 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 to be relabeled, under the supervision of the Federal Security Agency.

19231. Adulteration of canned herring roe. U. S. v. 18 Cases * * *. (F. D. C. No. 32145. Sample No. 3879-L.)

LIBEL FILED: November 16, 1951, Northern District of West Virginia.

ALLEGED SHIPMENT: On or about June 25, 1951, by Janney-Marshall Co., Inc., from Fredericksburg, Va.

PRODUCT: 18 cases, each containing 24 15-ounce cans, of herring roe at Martinsburg, W. Va.

LABEL, IN PART: (Can) "Gunston Hall Fresh River Herring Roe Contents 15 Ozs. Avoir."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), brine had been substituted in part for herring roe. (The 15-ounce cans should have contained at least 13.32 ounces of drained roe. Examination showed that the average drained weight of the contents of the cans was 13.5 percent below that figure.)

DISPOSITION: October 24, 1952. Default decree of condemnation. The court ordered that the product be delivered to two local hospitals for their use and not for sale.