

FISH AND SHELLFISH

19667. Adulteration and misbranding of canned mackerel. U. S. v. 39 Cases * * *. (F. D. C. No. 34454. Sample No. 40307-L.)

LIBEL FILED: December 22, 1952, District of Maine.

ALLEGED SHIPMENT: On or about October 30, 1952, by Franco-Italian Packing Co., Inc., from Fish Harbor Wharf, Terminal Island, Calif.

PRODUCT: 39 cases, each containing 48 cans, of mackerel at Portland, Maine.

LABEL, IN PART: (Can) "Sultana Brand Mackerel water and salt added Net Wt. 15 oz."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), horse mackerel (jack mackerel) had been substituted in whole or in part for Pacific mackerel, which the article was represented to be.

Misbranding, Section 403 (a), the label statement "Mackerel" and the vignette depicting Pacific mackerel were false and misleading as applied to the article, which was horse mackerel (jack mackerel); and, Section 403 (i) (1), the label failed to bear the common or usual name of the article.

DISPOSITION: February 18, 1953. Franco-Italian Packing Co., 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 for relabeling under the supervision of the Federal Security Agency.

19668. Misbranding of salmon snacks (smoked salmon). U. S. v. 4 Cases * * *. (F. D. C. No. 34525. Sample No. 29369-L.)

LIBEL FILED: January 5, 1953, District of Colorado.

ALLEGED SHIPMENT: On or about December 13, 1952, by the C & B Packing Co., from Edmonds, Wash.

PRODUCT: 4 cases, each containing 12 jars, of salmon snacks (smoked salmon) at Colorado Springs, Colo.

LABEL, IN PART: "Ocean Queen Salmon Snacks Rich in Vitamins 15 Cents."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents; and, Section 403 (i) (2) the article was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient since salt was not declared.

DISPOSITION: March 4, 1953. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for consumption by the inmates.

19669. Adulteration of rock lobster tails. U. S. v. 46 Boxes * * *. (F. D. C. No. 32397. Sample No. 23235-L.)

LIBEL FILED: January 3, 1952, Southern District of New York.

ALLEGED SHIPMENT: On or about November 15, 1951, by the Duane Import & Export Corp., from Philadelphia, Pa.

PRODUCT: 46 boxes, each containing 20 pounds, of rock lobster tails at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (c), the article contained a coal-tar color other than one from a batch that had been certified in accordance with regulations.

DISPOSITION: February 25, 1952. The Duane Import & Export Corp., 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 the purpose of salvaging the good portion under the supervision of the Federal Security Agency. The salvage operations consisted of removing the cellophane wrappers from the product and trimming that portion of the product which was contaminated with the noncertified coal-tar color.

19670. Adulteration and misbranding of oysters. U. S. v. York River Seafood Co., Cecil S. Mills, and Fred P. Burcher. Pleas of nolo contendere. Fine of \$140 against defendants jointly. (F. D. C. No. 32766. Sample Nos. 3409-L to 3411-L, incl., 3583-L, 3815-L, 3816-L, 4204-L.)

INFORMATION FILED: During June 1952, Eastern District of Virginia, against the York River Seafood Co., a partnership, Seaford, Va., and Cecil S. Mills and Fred P. Burcher, partners in the partnership.

INTERSTATE SHIPMENT: On or about October 31, November 1, and December 15, 1951, from the State of Virginia into the States of North Carolina and Maryland.

LABEL, IN PART: "Bay Brand * * * Oysters Standards [or "Selects"]."

NATURE OF CHARGE: Adulteration, Section 402 (b) (4), water had been added to the oysters and mixed and packed with them so as to increase their bulk and weight and reduce their quality.

Misbranding, Section 403 (g) (1), the oysters failed to conform to the definitions and standards of identity for oysters standards and oysters selects in that in the preparation of the oysters, the total time that the oysters were in contact with water or salt water, after leaving the shucker, was more than 30 minutes; they were not thoroughly drained before packing into the container for shipment; and they were packed with added water.

DISPOSITION: February 2, 1953. Pleas of nolo contendere having been entered, the court imposed a fine of \$140 against the defendants jointly.

19671. Adulteration and misbranding of oysters. U. S. v. Klein's Seafoods, Inc., and Joseph Klein. Pleas of guilty. Fine of \$200 against each defendant. (F. D. C. No. 32714. Sample No. 11233-L.)

INFORMATION FILED: July 25, 1952, Northern District of Ohio, against Klein's Seafoods, Inc., Akron, Ohio, and Joseph Klein, president of the corporation.

ALLEGED SHIPMENT: On or about October 15, 1951, while a number of cans of oysters were being held for sale at Klein's Seafoods, Inc., after shipment in interstate commerce, the defendants caused a quantity of the oysters to be removed from a number of the cans, caused water to be added to the oysters so removed, and caused the oysters to be repacked into small cans, which acts resulted in the oysters being adulterated and misbranded.

LABEL, IN PART: (Small cans) "Klein's Blue Ribbon Brand Oysters Klein's Seafoods, Inc. Akron, Ohio Contents One Pint."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), added water had been substituted in part for oysters; and, Section 402 (b) (4), water had been added to the article and mixed and packed with it so as to increase its bulk and reduce its quality.

Misbranding, Section 403 (g) (1), the article in the small cans failed to conform to the definition and standard of identity for oysters since it was packed with an added substance, namely, added water.