

DISPOSITION: 7-9-57. Consent—claimed by Kenneth Kohler, Arlington, Mass., and relabeled.

FISH AND SHELLFISH

23779. Smoked tullibees. (F. D. C. No. 39837. S. No. 56-394 M.)

INFORMATION FILED: 7-1-57, Dist. Minn., against Booth Fisheries Corp., Minneapolis, Minn.

ALLEGED VIOLATION: On 11-1-55, the defendant gave to a firm engaged in the business of shipping fish, in interstate commerce, a guaranty to the effect that any food shipped by the defendant under the guaranty would not be adulterated or misbranded.

On 10-22-56, the defendant caused to be shipped to the holder of the guaranty, at Hopkins, Minn., a quantity of fish which was adulterated.

LABEL IN PART: "5 Lbs. Net When Packed Fancy Hickory Smoked Tullibees."

CHARGE: 402 (a) (3)—contained parasitic cysts when shipped.

PLEA: Guilty.

DISPOSITION: 7-16-57. \$350 fine.

23780. Ocean perch fillets. (F. D. C. No. 39751. S. No. 60-925 M.)

QUANTITY: 18 50-lb. ctns. at Boston, Mass.

SHIPPED: The fillets were prepared and packed from fish caught in the waters of the Atlantic Ocean outside the limits of Massachusetts by the fishing vessel Ocean Wave, Inc. and landed at Boston, Mass., on 12-19-56.

LABEL IN PART: "Schooner Brand * * * Frosted Ocean Perch Fillets."

LIBELED: 1-8-57, Dist. Mass.

CHARGE: 402 (a) (3)—contained parasitic cysts when shipped.

DISPOSITION: 1-30-57. Consent—claimed by Blue Sea Fish Co., Boston, Mass. Segregated; 20 lbs. destroyed.

23781. Canned tuna. (F. D. C. No. 39941. S. Nos. 54-078/9 M.)

QUANTITY: 6 cases, 24 6½-oz. cans each, at Billings, Mont.

SHIPPED: 2-13-56, from Terminal Island, Calif., by Star-Kist Foods, Inc.

LABEL IN PART: (Can) "Star-Kist Chunk Style Tuna * * * Dietetic Pack * * * Low in * * * Sodium Designed For Use in Weight Reduction Diets and For Use in Dietotherapy."

LIBELED: 2-7-57, Dist. Mont.

CHARGE: 403 (j)—the article purported to be and was represented for special dietary use by reason of its low sodium content, and, when shipped, the label failed to bear, as required by regulations, a statement of the number of milligrams of sodium per 100 grams of the article and a statement of the number of milligrams of sodium in an average serving of the article.

DISPOSITION: 5-7-57. Default—delivered to a charitable institution, for human consumption as an edible food but not for special dietary use.

23782. Crabmeat. (F. D. C. No. 39364. S. Nos. 20-359 M, 44-868/70 M.)

INDICTMENT RETURNED: 4-1-57, E. Dist. Va., against Lancaster Seafoods, Inc., Morattico, Va., and John Curlett, Jr., Secretary-Treasurer and plant manager.

SHIPPED: 6-14-56; from Virginia, to Maryland and the District of Columbia.
LABEL IN PART: (Can) "Backfin Crab Meat [or "Regular Crab Meat" or "Claw Crab Meat"] 1 lb. Net. Lancaster Seafoods, Inc., Morattico, Va."
CHARGE: 402 (a) (3)—contained *Escherichia coli* of fecal origin; and 402 (a) (4)—prepared and packed under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 7-17-57. Fine of \$500 against each defendant on one count of indictment; on remaining count, imposition of sentence against corporation suspended for 3 years and sentence of 6 months in prison against individual suspended also for 3 years.

23783. Crabmeat. (F. D. C. No. 39326. S. Nos. 765 M, 39-133 M.)

INFORMATION FILED: 7-27-56, N. Dist. Fla., against Eastpoint Seafood, a partnership, Eastpoint, Fla., and Frank A. Segree and Era M. Segree, partners.

SHIPPED: 4-20-56 and 4-24-56, from Florida to Maryland.

LABEL IN PART: (Can) "Eastpoint Seafood Fla 47C Crabmeat 1 lb. Net Eastpoint Fla."

CHARGE: 402 (a) (3)—contained *Escherichia coli* of fecal origin; and 402 (a) (4)—prepared and packed under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 9-13-57. Imposition of sentences suspended and defendants placed on probation for 2 years.

23784. Crabmeat. (F. D. C. No. 39406. S. No. 39-152 M.)

INFORMATION FILED: 3-12-57, N. Dist. Fla., against Marion F. Millender, t/a Millender & Sons Seafood, Eastpoint, Fla.

ALLEGED VIOLATION: On 7-16-56, the defendant gave to an individual engaged in the business of shipping crabmeat, in interstate commerce, a guaranty to the effect that crabmeat shipped by such defendant under the guaranty would not be adulterated or misbranded.

On 7-17-56, the defendant caused to be shipped to the holder of the guaranty, at Apalachicola, Fla., a quantity of crabmeat which was adulterated.

CHARGE: 402 (a) (3)—contained *Escherichia coli* of fecal origin; and 402 (a) (4)—prepared and packed under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 9-3-57. Imposition of sentence suspended and defendant placed on probation for 2 years.

23785. Crabmeat. (F. D. C. No. 39959. S. No. 39-542 M.)

INFORMATION FILED: 3-15-57, N. Dist. Fla., against Xuripha Gilbert Miller, plant manager for Houston Miller Seafoods, Eastpoint, Fla.

ALLEGED VIOLATION: On 7-16-56, the defendant caused to be given to a firm engaged in the business of shipping crabmeat, in interstate commerce, a guaranty to the effect that each shipment of crabmeat by Houston Miller Seafoods to the holder of the guaranty would be neither adulterated nor misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act.

On 7-17-56, the defendant caused to be shipped a number of cans of adulterated crabmeat to the holder of the guaranty at Apalachicola, Fla.