

For a description of the insanitary conditions at the Strathmore plant, see the above-mentioned notice of judgment on foods, No. 24741.

The amended complaint alleged that the olive pomace was purchased by Strathmore from olive pressors and consisted of the residue remaining after olive oil was pressed from olives; that the olive pomace was handled as garbage by the olive pressors and exposed to the elements and to insects, birds, rodents, and squirrels; and, that the olive pomace was adulterated when it reached Strathmore by reason of such exposure.

DISPOSITION: On 5-14-57, the court issued a temporary restraining order restraining the defendants from shipping or causing the shipment in interstate commerce, and, more particularly, from delivering or causing the delivery to persons in California known to be engaged in the distribution of oils in interstate commerce, oils which consisted in part of filthy substances or had been prepared or held under insanitary conditions.

On 10-29-57, the cause came on for a hearing on the motion for a preliminary injunction. Thereafter, on 11-6-57, the court orally denied the motion.

Subsequently, on 2-11-58, the Government filed a motion to dismiss the complaint, based upon the grounds that (1) there had been a material improvement in the operations of Strathmore Oils & Fats Co., Inc., especially in the handling of raw materials and extracted oils; (2) that the temporary restraining order had resulted in the adoption by the defendants of a sanitation program encompassing the suppliers of raw materials; and (3) that there appeared to be no further need for an injunction to prevent violation of the Act. The motion to dismiss was granted by the court on 2-12-58.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF DEVIATION FROM OFFICIAL OR OWN STANDARDS*

5719. Chorionic gonadotropin. (F.D.C. No. 41317. S. No. 68-044 M.)

QUANTITY: 180 vials at Kansas City, Mo.

SHIPPED: 4-25-57, from Los Angeles, Calif.

LIBELED: 1-6-58, W. Dist. Mo.

CHARGE: 501(c)—while held for sale, the strength of the article differed from that which it was represented to possess, namely, 10,000 I.U. of *chorionic gonadotropin* potency per vial; and 502(a)—the label statement "10,000 Int. Units Chorionic Gonadotropin" was false and misleading as applied to a product, the potency of which was substantially less than 10,000 I.U. of *chorionic gonadotropin*.

DISPOSITION: 2-25-58. Default—destruction.

5720. Chorionic gonadotropin. F.D.C. No. 41358. S. No. 86-963 M.)

QUANTITY: 969 vials at Kansas City, Mo.

SHIPPED: 9-26-57 and 10-16-57, from Orange, N.J.

RESULTS OF INVESTIGATION: Examination showed that the article contained substantially less than 2,500 I.U. of *chorionic gonadotropin* potency per vial.

LIBELED: On or about 1-16-58, W. Dist. Mo.

CHARGE: 501(c)—while held for sale, the strength of the article differed from that which it was represented to possess, namely, 2,500 I.U. of *chorionic gonadotropin* potency per vial.

*See also Nos. 5706, 5708, 5711, 5716.