

On March 4, 1942, the United States attorney for the Western District of Washington filed a libel against 19 cases of turkey meat at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about January 12 and February 2, 1942, by Mrs. Fay Leatherwood from Oakland, Oreg.; and charging that it was adulterated and misbranded. It was labeled in part: (Jars) "Napoleon Fancy Boneless Turkey Meat 16 Oz. Net. A. Magano Co. Distributors. Seattle, Wash."

The article was alleged to be adulterated in that a mixture of turkey meat, giblets, and excessive broth had been substituted for "Fancy Boneless Turkey Meat," which it purported to be.

It was alleged to be misbranded (1) in that the name "Fancy Boneless Turkey Meat" was false and misleading as applied to an article which contained giblets and broth in addition to turkey meat; (2) in that the statement "16 Oz. Net" was false and misleading as applied to an article which was short weight; (3) in that its containers were so filled as to be misleading; (4) in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents; (5) in that it was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each ingredient.

On July 31, 1942, no claimant having appeared and the court having found that the product was misbranded as alleged in the libel, judgment of condemnation was entered and the product was ordered delivered to a Federal institution.

3789. Misbranding and alleged adulteration of canned boneless turkey meat. U. S. v. 20 Cases of Boneless Turkey Meat. Default decree of condemnation. Product ordered delivered to a Federal institution. (F. D. C. No. 6847. Sample No. 85325-E.)

This product, which consisted of white and dark meat in about equal proportions, was packed in glass jars. Large pieces of the meat, $\frac{3}{4}$ of which was white meat sliced fairly thin ($\frac{1}{8}$ to $\frac{1}{4}$ inch) were faced against the sides and bottom of the jar. The remaining space was filled with slices, pieces, and broth. The product was also short of the declared weight.

On February 18, 1942, the United States attorney for the Western District of Washington filed a libel against 20 cases of canned turkey meat at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about January 13, 1942, by Baird's Kitchen from Oakland, Oreg.; and charging that it was adulterated and misbranded. The article was labeled in part: (Jars) "Napoleon Fancy Boneless Turkey Meat 16 Oz. Net A. Magano Co. Distributors Seattle, Wash."

It was alleged to be adulterated in that a mixture of white and dark turkey meat with excessive broth had been substituted for "Fancy Boneless Turkey Meat," which it purported to be.

It was alleged to be misbranded (1) in that the name "Fancy Boneless Turkey Meat" was false and misleading since it contained broth in addition to meat; (2) in that the statement "16 Oz. Net" was false and misleading as applied to an article that was short weight; (3) in that the container was so filled as to be misleading since while it consisted of about equal parts of white and dark meat, the meat was so placed in the jar that 25 percent of dark meat and 75 percent of white meat were visible through the glass, giving the impression of a greater proportion of white meat than was present and none of the broth was visible; (4) in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents; and (5) in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient.

On July 31, 1942, no claimant having appeared, judgment was entered finding the product misbranded and ordering that it be condemned and delivered to a Federal institution.

NUTS AND NUT PRODUCTS

3790. Action to enjoin and restrain introduction and delivery for introduction in interstate commerce of adulterated pecan meats. U. S. v. Louis D. Acker, H. W. Lancaster, and William M. Wilder, individually, and as copartners trading as Acker Pecan Products Co., Thronatecska Nut Co., and Wilder Pecan Co., and Wilder Pecan Co., a corporation. Consent decree perpetually enjoining defendants as prayed in complaint. (Inj. No. 29.)

On March 27, 1942, the United States attorney for the Middle District of Georgia filed a bill of complaint against Louis D. Acker, H. W. Lancaster, and William M. Wilder of Albany, Ga., individually and as copartners, trading as the Acker Pecan Products Co., Thronatecska Nut Co., and the Wilder Pecan Co. The complaint

was subsequently amended in order to include the Wilder Pecan Co., a corporation, Albany, Ga. The complaint alleged that the defendants from on or about February 27, 1940, to the date of filing the complaint had been shelling and packing pecan meats under insanitary conditions whereby they might have become contaminated with filth; that the food so prepared and packed was adulterated in that it consisted in whole or in part of a filthy substance which was unfit for food and that it was being offered for interstate shipment at various intervals; that the defendants had been warned to remedy the defects existing in their method of operation and warned not to ship products which were adulterated; that they had failed to remedy the said defects and were continuously shelling and packing adulterated pecans; and that the complainant believed they would continue to ship such food in interstate commerce. The complaint prayed (1) that the defendants be summoned to appear on a certain day and answer the allegations of the complaint; (2) that after hearing a preliminary injunction be issued; and (3) that after due proceedings the preliminary injunction be made permanent.

On March 27, 1942, the defendants were ordered to show cause why a preliminary injunction should not issue as prayed. On April 21, 1942, no answer having been filed and the defendants having consented to the entry of a decree, judgment was entered perpetually enjoining the defendants and all persons acting on their behalf from introducing or delivering for introduction in interstate commerce any adulterated pecans or other food products which they had processed or manufactured or would process or manufacture in the future.

3791. Adulteration of black walnut meats. U. S. v. 11 Barrels of Walnut Meats (and 2 other seizure actions against black walnut meats). Default decrees of condemnation and destruction. (F. D. C. Nos. 7041, 7092, 7524, 7525. Sample Nos. 61219-E, 61233-E, 61240-E, 61273-E, 61274-E.)

All four lots of this product were found to contain *Escherichia coli*, indicating pollution of fecal origin. Two of the lots also contained hairs resembling those of rodents, and one lot contained moldy nuts.

On March 16 and 27 and May 19, 1942, the United States attorney for the Western District of Washington filed libels against a total of 23 barrels and 20 boxes of walnut meats at Seattle, Wash., alleging that the article had been shipped in interstate commerce within the period from on or about March 17, 1941, to on or about April 14, 1942, by F. M. Pfeiffer from Chico, Calif.; and charging that it was adulterated. Portions of the article were labeled in part: (Box) "Calif. Black Walnuts Fine"; or (barrel) "Golden Bear California Black Walnut Kernels."

Adulteration was alleged with respect to three of the lots in that they consisted in whole or in part of filthy substances; and with respect to the remaining lot, that it consisted in whole or in part of a filthy and decomposed substance.

On July 22, 1942 no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

3792. Adulteration of black walnut meats. U. S. v. 5 Boxes of Black Walnut Meats. Default decree of condemnation and destruction. (F. D. C. No. 7153. Sample No. 71264-E.)

This product contained *E. coli*.

On April 8, 1942, the United States attorney for the Southern District of Illinois filed a libel against 5 boxes of black walnut meats at Peoria, Ill., alleging that the article had been shipped in interstate commerce on or about February 20, 1942, by Mound City Shelled Nut Co. from St. Louis, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On July 27, 1942 no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

3793. Adulteration of shelled walnuts. U. S. v. 2 Cartons and 6 Cartons of Shelled Walnuts. Default decree of condemnation and destruction. (F. D. C. No. 7365. Sample Nos. 72796-E, 72797-E.)

This product contained rodent hairs.

On April 21, 1942, the United States attorney for the District of Arizona filed a libel against 8 25-pound cartons of shelled walnuts at Phoenix, Ariz., alleging that the article had been shipped on or about March 17, 1942, by Granton & Co. from Los Angeles, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with