

LABEL, IN PART: "Delco Brand Hand Packed Tomatoes."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned tomatoes because of the low drained weight, as determined by the sieve test set forth in the standard, and it was not labeled to show that it was substandard.

DISPOSITION: November 22, 1949. Default decree of condemnation. The court ordered that the product be delivered to charitable institutions.

POULTRY

15592. Adulteration of frozen dressed turkeys. U. S. v. 103 Crates, etc. (F. D. C. No. 26933. Sample No. 8624-K.)

LIBEL FILED: March 21, 1949, District of New Jersey.

ALLEGED SHIPMENT: On or about January 3, 1949, by Colonial Stores, Inc., from Norfolk, Va. This was a shipment of turkeys which had been rejected and returned.

PRODUCT: 142 crates each containing 6 frozen dressed turkeys at Jersey City, N. J. Examination showed that the flesh of some of the turkeys was permeated with a substance giving off an obnoxious urine-like odor.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article was decomposed or otherwise unfit for food.

DISPOSITION: July 5, 1949. William M. Stewart, New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for the purpose of returning it to the original shipper, F. K. Floden & Co., Modesto, Calif., to be eviscerated under the supervision of the Federal Security Agency. Upon the release of the turkeys, they were eviscerated and examined, and those found unfit for human consumption were segregated. A total of 60 turkeys were found unfit and were destroyed.

15593. Adulteration of frozen dressed turkeys. U. S. v. 43 Crates * * * (F. D. C. No. 26967. Sample No. 8627-K.)

LIBEL FILED: April 5, 1949, Southern District of New York.

ALLEGED SHIPMENT: On or about December 3, 1948, by F. K. Floden & Co., from East Modesto, Calif.

PRODUCT: 43 crates each containing 6 frozen dressed turkeys at New York, N. Y. Analysis showed that the flesh some of the turkeys was permeated with a substance giving off an obnoxious urine-like odor.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article was decomposed or otherwise unfit for food.

DISPOSITION: July 13, 1949. William M. Stewart, New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond for the purpose of eviscerating each turkey, under the supervision of the Federal Security Agency. Upon the release of the turkeys, they were eviscerated and examined, and those found unfit for human consumption were segregated. A total of 15 turkeys were found unfit and were destroyed.