

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of birds which were contaminated with fecal, crop, and other extraneous matter, and of a decomposed substance by reason of the presence of decomposed birds; and, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal.

DISPOSITION: October 30, 1951. Default decree of condemnation. The court ordered that samples of the product be delivered to the Food and Drug Administration and that the remainder be destroyed.

17943. Adulteration of dressed poultry. U. S. v. 1,125 Pounds * * *.
(F. D. C. No. 31406. Sample No. 24354-L.)

LIBEL FILED: July 30, 1951, Eastern District of New York.

ALLEGED SHIPMENT: On or about July 17, 1951, by the Mandata Poultry Co., from Mandata, Pa.

PRODUCT: 1,125 pounds of dressed poultry at Brooklyn, N. Y.

LABEL, IN PART: "RK-CAP."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the product contained an added deleterious substance, diethylstilbestrol, which is unsafe within the meaning of Section 406 of the law.

DISPOSITION: September 6, 1951. The shipper having appeared as claimant, judgment of condemnation was entered and the court ordered that the product be released under bond for salvaging by removal of the neck and evisceration, under the supervision of the Food and Drug Administration.

17944. Adulteration of dressed poultry. U. S. v. 1 Crate * * *. (F. D. C. No. 31410. Sample No. 24355-L.)

LIBEL FILED: August 2, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about July 15, 1951, by the Philip Cohen Poultry Co., from Waldoboro, Maine.

PRODUCT: 49 pounds of dressed poultry at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of birds which were contaminated with fecal matter and crop material.

DISPOSITION: September 25, 1951. Default decree of condemnation. The court ordered that samples of the product be delivered to the Food and Drug Administration and that the remainder be destroyed.

17945. Adulteration of dressed turkeys. U. S. v. Earl B. Olson (Farmers Produce Co.), and Lawrence E. Erickson. Pleas of guilty. Defendant Olson fined \$100 and placed on probation for 3 years; Defendant Erickson fined \$100. (F. D. C. No. 30112. Sample No. 73156-K.)

INFORMATION FILED: April 24, 1951, District of Minnesota, against Earl B. Olson, trading as the Farmers Produce Co., Willmar, Minn., and against Lawrence E. Erickson, manager for Earl B. Olson.

ALLEGED SHIPMENT: On or about November 4, 1950, from the State of Minnesota into the State of New York.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy and decomposed substance by reason of the presence of birds

which were in part decomposed and birds which were contaminated with fecal matter; and, Section 402 (a) (5), the article was in part the product of a diseased animal.

DISPOSITION: October 8, 1951. Pleas of guilty having been entered, the court imposed a fine of \$100 against Defendant Olson and placed him on probation for 3 years and imposed a fine of \$100 against Defendant Erickson.

17946. Adulteration of frozen turkeys. U. S. v. Roy O. Frantz (Roy O. Frantz Turkey Operating Account). Plea of nolo contendere. Fine, \$500. (F. D. C. No. 31256. Sample No. 92283-K.)

INFORMATION FILED: September 17, 1951, District of Colorado, against Roy O. Frantz, trading as Roy O. Frantz Turkey Operating Account, Pueblo, Colo.

ALLEGED SHIPMENT: On or about December 1, 1950, from the State of Colorado into the State of New York.

LABEL, IN PART: "Distributed By C. A. Swanson & Sons Omaha, Nebraska."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of rodent excreta; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 31, 1951. A plea of nolo contendere having been entered, the court imposed a fine of \$500.

SPICES, FLAVORS, AND SEASONING MATERIALS

17947. Misbranding of black pepper. U. S. v. Frank Ferro (Katy Fruit Market). Plea of nolo contendere. Fine of \$100, plus costs. (F. D. C. No. 30614. Sample Nos. 70751-K, 70752-K.)

INFORMATION FILED: August 1, 1951, District of Kansas, against Frank Ferro, trading as the Katy Fruit Market, Kansas City, Kans.

ALLEGED VIOLATION: On or about August 30, 1950, a drum containing a product labeled, in part, "Imitation Ground Pepper" was shipped from the State of Missouri into the State of Kansas, to the Katy Fruit Market at Kansas City, Kans. Subsequently, while the product was being held for sale after shipment in interstate commerce, the defendant removed a quantity of the product from the drum and repacked it into unlabeled bags, and placed in proximity to the repacked product a placard bearing the statement "Ground Black Pepper 98¢ Full Pound" and placed in the store window a sign bearing the statement "Black Pepper 98¢ Lb."

NATURE OF CHARGE: Misbranding, Section 403 (b), the product in the bags was imitation ground black pepper, and it was offered for sale under the name of another food, ground black pepper; and, Section 403 (c), the label of the product in the bags failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated. The product was misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: November 12, 1951. A plea of nolo contendere having been entered, the court fined the defendant \$100, plus costs.

17948. Adulteration of pickled peppers. U. S. v. 98 Cases, etc. (F. D. C. No. 31864. Sample Nos. 29622-L, 30262-L.)

LABEL FILED: October 3, 1951, Western District of Washington.