

LABEL, IN PART: (Can) "Tomato Paste Made in Hungary 160½ Oz. Net Golden Pheasant."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material. The article was examined while it was held for sale after shipment in interstate commerce and was found to be adulterated.

DISPOSITION: Nalley's Inc., Tacoma, Wash., claimant, filed an answer admitting the interstate shipment but alleging that it was without knowledge or information sufficient to form a belief as to whether the product was adulterated, and denying that the product was subject to seizure and condemnation.

The case came on for trial before the court without a jury on November 14, 1951. At the conclusion of the trial, during which evidence was offered by the Government and no evidence was offered by the claimant, the court, on November 16, 1951, handed down its findings of fact and conclusions of law in favor of the Government. On the same date, the court entered a decree of condemnation and destruction. The product subsequently was delivered to a Federal penitentiary, for use as animal feed.

17986. Adulteration of tomato paste. U. S. v. 33 Cases * * *. (F. D. C. No. 31486. Sample No. 28361-L.)

LIBEL FILED: August 21, 1951, Northern District of California.

ALLEGED SHIPMENT: On or about May 2, 1951, by B. Dorman & Sons, from New York, N. Y.

PRODUCT: 33 cases, each containing 10 10-pound, 2-ounce cans, of tomato paste at Oakland, Calif.

LABEL, IN PART: (Can) "Halisco Concentrated Tomato Paste Product of France."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: October 8, 1951. Default decree of condemnation and destruction.

MEAT AND POULTRY

17987. Adulteration of cow meat. U. S. v. Approximately 26,261 Pounds * * *. (F. D. C. No. 31464. Sample No. 31473-L.)

LIBEL FILED: On or about August 22, 1951, Northern District of Texas.

ALLEGED SHIPMENT: On or about July 21, 1951, by the Borin Packing Co., from Vernon, Tex., to St. Louis, Mo.; thereafter, on or about July 30, 1951, to Dallas, Tex.; and thereafter, on or about August 10, 1951, to Vernon, Tex.

PRODUCT: Approximately 26,261 pounds of cow meat in 241 boxes at Vernon, Tex.

LABEL, IN PART: "BNLS Cow Meat."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy, putrid, or decomposed substance, and it was otherwise unfit for food.

DISPOSITION: August 25, 1951. Aaron Borin, trading as the Borin Packing Co., 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 segregation of any portion that might be fit for human consumption from

the unfit portion, under the supervision of the Meat Inspection Division of the Department of Agriculture and the Food and Drug Administration. The entire product was found unfit for human food and was denatured for use as animal feed.

17988. Adulteration of dressed poultry. U. S. v. 337 Boxes * * *. (F. D. C. No. 30461. Sample No. 89880-K.)

LIBEL FILED: December 28, 1950, District of Nebraska.

ALLEGED SHIPMENT: On or about December 16, 1950, by the Canton Produce Co., from Canton, S. Dak.

PRODUCT: 337 boxes, each containing 12 head, of dressed poultry at Omaha, Nebr.

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

DISPOSITION: January 29, 1951. The Lipsman-Fulkerson Co., Omaha, Nebr., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for the purpose of bringing it into compliance with the law, under the supervision of the Federal Security Agency.

17989. Adulteration of dressed poultry. U. S. v. 268 Pounds * * *. (F. D. C. No. 31194. Sample No. 24338-L.)

LIBEL FILED: June 21, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about May 31, 1951, by the Hillcrest Poultry Co., from Union, Maine.

PRODUCT: 268 pounds of dressed poultry at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal.

DISPOSITION: July 11, 1951. Default decree of condemnation. The court ordered that samples of the product be delivered to the Food and Drug Administration, that the fit portion be segregated and delivered to a charitable institution, and that the remainder be destroyed.

17990. Adulteration of dressed poultry. U. S. v. 78 Pounds * * *. (F. D. C. No. 31195. Sample No. 24340-L.)

LIBEL FILED: June 19, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about June 1, 1951, by Garrison Kaufman, from Flemington, N. J.

PRODUCT: 78 pounds of dressed poultry at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal.

DISPOSITION: July 11, 1951. Default decree of condemnation and destruction.

17991. Adulteration of dressed poultry. U. S. v. 71 Pounds * * *. (F. D. C. No. 31198. Sample No. 24341-L.)

LIBEL FILED: June 19, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about June 4, 1951, by the Philip Cohen Poultry Co., from Waldoboro, Maine.

PRODUCT: 71 pounds of dressed poultry at New York, N. Y.