

DISPOSITION: August 25, 1953. The Agress Nut & Seed Co., Brooklyn, N. Y., 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 segregation and reconditioning under the supervision of the Department of Health, Education, and Welfare. As a result of the reconditioning operations, 1,296 pounds of the product were found unfit and were destroyed.

OLEOMARGARINE

20786. Sale and offering for sale of colored oleomargarine. U. S. v. James Paolino (James Paolino & Sons). Plea of not guilty. Tried to the court and jury. Plea changed to guilty after introduction of Government's evidence. Defendant fined \$200 and placed on probation for 1 year. (F. D. C. No. 33763. Sample Nos. 44288-L, 44289-L.)

INDICTMENT RETURNED: April 13, 1953, District of Rhode Island, against James Paolino, trading as James Paolino & Sons, Cranston, R. I.

ALLEGED VIOLATION: On or about May 1, 1952, the defendant, with intent to defraud and mislead, sold and offered for sale a number of packages which were labeled as butter but which contained colored oleomargarine or colored margarine.

LABEL, IN PART: (Package) "Prairie Creamery Butter Net Wt. 1 Lb. Made From Pasteurized Cream."

NATURE OF CHARGE: The article, when sold and offered for sale as described above, was not labeled as required by Section 407 (b) (3) with (A) the word "oleomargarine" or "margarine" in type or lettering at least as large as any other type or lettering on the label and with (B) a statement of all the ingredients contained in such colored oleomargarine or colored margarine.

DISPOSITION: The defendant having entered a plea of not guilty, the case came on for trial before the court and jury on February 17, 1954. After the Government had completed the introduction of its evidence, the defendant changed his plea to that of guilty, and on March 15, 1954, the court fined the defendant \$200 and placed him on probation for 1 year.

SPICES, FLAVORS, AND SEASONING MATERIALS

20787. Adulteration of chili peppers and cinnamon. U. S. v. Aviation Coffee Co. Plea of guilty. Fine, \$500. (F. D. C. No. 34858. Sample Nos. 46705-L, 46706-L.)

INFORMATION FILED: August 22, 1953, Western District of Texas, against the Aviation Coffee Co., a corporation, San Antonio, Tex.

ALLEGED VIOLATION: Between the approximate dates of June 18, 1952, and February 5, 1953, while quantities of chili peppers and cinnamon were being held for sale, the defendant caused quantities of the products to be placed in a building that was accessible to rodents and caused the products to be exposed to contamination by rodents.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in part of filthy substances by reason of the presence in the chili peppers of rodent-gnawed chili pods, rodent excreta, and rodent hairs, and by reason of the presence in the cinnamon of rodent excreta, insects, and insect fragments; and, Section 402 (a) (4), the articles were held under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: January 7, 1954. The defendant having entered a plea of guilty, the court fined it \$500.

20788. Adulteration and misbranding of chili peppers. U. S. v. 163 Bags, etc.
(F. D. C. Nos. 34991, 34992. Sample Nos. 39767-L, 39768-L.)

LIBEL FILED: April 13, 1953, Southern District of California.

ALLEGED SHIPMENT: On or about February 9, 1953, from Mexico.

PRODUCT: 287 75-pound bags of unground chili peppers and 12 75-pound bags of ground chili peppers at Los Angeles and Santa Ana, Calif.

RESULTS OF INVESTIGATION: The article was a product of Africa. It previously having been offered for entry into the United States and found to be adulterated, it was exported to Mexico where it was repacked and reshipped to the United States.

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 insect-infested chili peppers, and of a decomposed substance by reason of the presence of moldy chili peppers.

Misbranding, Section 403 (a), the label statement "Product of Mexico" was false and misleading as applied to the article, which was not produced in Mexico.

DISPOSITION: February 5, 1954. Herbert Hischmoeller, Los Angeles, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

20789. Adulteration of chili pepper. U. S. v. 25 Drums * * *. (F. D. C. No. 34997. Sample No. 40344-L.)

LIBEL FILED: April 15, 1953, Southern District of Ohio.

ALLEGED SHIPMENT: On or about March 6, 1953, by McClintock Stern & Co., from Los Angeles, Calif.

PRODUCT: 25 220-pound drums of chili pepper at Cincinnati, Ohio.

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 insect fragments and rodent hair fragments.

DISPOSITION: October 23, 1953. Default decree of condemnation and destruction.

20790. Adulteration of chili peppers. U. S. v. 51 Bags * * *. (F. D. C. No. 34965. Sample No. 23302-L.)

LIBEL FILED: April 24, 1953, Southern District of New York.

ALLEGED SHIPMENT: On or about January 21, 1953, from Lagos, Nigeria.

PRODUCT: 51 90-pound bags of chilies at New York, N. Y., in the possession of William M. Allison & Co.

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 rodent excreta; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: May 29, 1953. William M. Allison & Co., 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 segregation and