

and moldy; and the horseradish contained decomposed horseradish, fruit flies, and fruit fly pupae.

DISPOSITION: 3-20-57. Default—destruction.

OILS AND FATS

24083. Table and cooking oil. (F. D. C. No. 40325. S. No. 62-957 M.)

QUANTITY: 36 ctns., 6 1-gal. cans each, at New Haven, Conn.

SHIPPED: 4-1-57, from Brooklyn, N. Y., by Lucci Sales Co.

LABEL IN PART: (Can) "Extra Fine Cielo Celeste Brand Contents One Gallon Net Composed of 75% Choice Peanut & Corn Oils 25% Pure Imported Olive Oil."

RESULTS OF INVESTIGATION: Examination showed that the article was essentially an artificially flavored peanut oil or corn oil with little or no olive oil present.

LIBELED: 6-18-57, Dist. Conn.

CHARGE: 402 (b) (1)—a valuable constituent, olive oil, had been in whole or in part omitted from the article when shipped; 402 (b) (2)—artificially flavored vegetable oil had been substituted in whole or in part for a mixture of 75 percent peanut and corn oils and 25 percent olive oil which the article was represented to be; and 403 (a)—the label statement "75% * * * Peanut and Corn Oils 25% * * * Olive Oil" was false and misleading.

DISPOSITION: 1-20-58. Default—delivered to a charitable institution for its use.

24084. Table and cooking oil. (F. D. C. No. 40165. S. No. 62-757 M.)

QUANTITY: 35 1-gal. cans, at Clifton, N. J.

SHIPPED: Between 1-4-57 and 2-14-57, from New York, N. Y., by G. Cuccia & Sons, Inc.

LABEL IN PART: (Can) "Cielo Celeste Brand * * * Composed of 75% Choice Peanut & Corn Oils 25% Pure Imported Olive Oil Packed by Lucci Sales Co., Brooklyn, N. Y."

RESULTS OF INVESTIGATION: Examination showed that the article was a mixture of vegetable oils other than peanut and corn oil, with little or no peanut oil, corn oil, or olive oil present.

LIBELED: 4-17-57, Dist. N. J.

CHARGE: 402 (b) (2)—when shipped, a vegetable oil, or mixture of vegetable oils other than peanut oil and corn oil, had been substituted in whole or in part for a mixture of 75 percent peanut and corn oils and 25 percent olive oil; and 403 (a)—the label statement "75% * * * Peanut & Corn Oils 25% * * * Olive Oil" was false and misleading.

DISPOSITION: 5-31-57. Default—delivered to a charitable institution for consumption, and not for resale.

POULTRY

24085. Dressed and cut-up poultry. (Inj. No. 296.)

COMPLAINT FOR INJUNCTION FILED: 11-15-55, N. Dist. Ga., against Etowah Poultry Co., Inc., Canton, Ga., and W. B. Anderson, president.

CHARGE: The complaint alleged that the defendants were engaged in preparing and distributing dressed, drawn, and cut-up poultry, and had been and

were introducing and causing to be introduced into interstate commerce, such poultry which was adulterated within the meaning of 402 (a) (4) by reason of being prepared, packed, and held under insanitary conditions.

It was alleged further that the insanitary conditions resulted from and consisted of the presence of fecal material, crop material, and other miscellaneous dirt and debris on the floors and walls of the defendants' plant at Canton, Ga., and in and around the equipment used in preparing, packing, and storing the poultry, the presence of hundreds of flies throughout the plant, broken window panes on unscreened windows, ill-fitting screen doors, ill-fitting doors on rest-rooms permitting flies to enter the toilets and return to other parts of the plant, the lack of adequate toilet facilities for employee use, the use of dirty ice in packing the finished product, and general carelessness on the part of the defendants and their employees.

The complaint alleged further that the defendants were well aware that their activities were in violation of the law; that various inspections had been made by the Food and Drug Administration; that the defendants had been issued a notice of hearing pursuant to Section 305; and that despite such warnings the defendants failed to correct the insanitary conditions in their plant and continued to introduce into interstate commerce poultry adulterated as described above.

DISPOSITION: On 11-23-55, after hearing and with the consent of the defendants, the court entered a temporary injunction enjoining the defendants from causing to be introduced and delivered for introduction into interstate commerce, dressed, drawn, and cut-up poultry or any other such article of food which

(a) was contaminated with fecal matter, crop material, or like filthy substance,

(b) had been prepared, packed, or held in a plant in which fecal matter, crop material, miscellaneous dirt or debris were present on the floors and walls, or allowed to accumulate on the floors, or in and around the equipment used in the production of the article,

(c) was produced in a plant infested with flies or other insects,

(d) was prepared by the cutting of the abdominal cavity of birds in such manner that material from the intestines and crop became smeared on the food, or was prepared in an improper manner allowing the retention of the windpipe, lungs, gizzard material, reproductive organs, or offal which might contaminate the article,

(e) was produced in a plant without adequate screens, or with broken window panes,

(f) was produced in a plant which failed to provide adequate toilet facilities for employees, and supervision to insure the use of such facilities by such employees,

(g) was produced in a plant permitting waste water, intestines, and offal to collect in, under, or around said plant,

(h) was produced in a plant which failed to provide for sanitary handling of liver, hearts, giblets, and gizzards, or

(i) was produced in a plant which permitted the use of improper equipment, unfit ice, careless handling of the food, or allowed diseased employees, or employees with cuts on fingers, or other injuries, to work around the premises.

On 6-26-56, the defendants having consented, a permanent injunction in essentially the same terms as the temporary injunction was entered against the defendants.