

CHARGE: 402(a) (3)—contained a decomposed substance when shipped.
DISPOSITION: 6-29-60. Consent—claimed by Henry J. Fachinger, t/a Lanesville Creamery Co., and converted into butter oil.

26615. Butter. (F.D.C. No. 43508. S. No. 14-578 R.)

QUANTITY: 25 cases, 32 1-lb. pkgs. each, at Louisville, Ky.

SHIPPED: 8-13-59, from Lanesville, Ind., by Lanesville Creamery Co.

LABEL IN PART: (Pkg.) "Klarer Creamery Butter Packed For The Klarer Company Louisville, Ky."

RESULTS OF INVESTIGATION: Analysis showed the article to be made from decomposed cream.

LIBELED: 3-28-60, W. Dist. Ky.

CHARGE: 402(a) (3)—contained a decomposed substance when shipped.

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CREAM

26616. Cream. (F.D.C. No. 44293. S. Nos. 8-602/3 P, 8-608 P, 11-255 P, 17-225 P, 17-578 P, 17-580 P, 50-061 P.)

INFORMATION FILED: 4-19-60, S. Dist. Ohio, against Fairmont Foods Co., a corporation, Zanesville, Ohio, and Stuart C. Sherwood, Southeastern Div. Manager of the corporation.

SHIPPED: Between 7-14-58 and 7-31-59, from Ohio to Pennsylvania.

CHARGE: 402(a) (3)—the article consisted in part of decomposed cream and a portion of the article contained flies, roaches, beetles, ants, vinegar flies, spiders, and other small insects.

PLEA: Guilty.

DISPOSITION: 6-7-60. Corporation fined \$8,000 and individual fined \$1,000.

EGGS

26617. Frozen eggs. (F.D.C. No. 42164. S. No. 15-089 P.)

INFORMATION FILED: 2-22-59, M. Dist. Tenn., against Technical Egg Products, Inc., Nashville, Tenn., Seymour M. Levin, president of the corporation, and Wilbert Keith, an employee of the corporation.

SHIPPED: 6-14-58, from Alabama to Tennessee.

CHARGE: 402(a) (3)—contained decomposed eggs and incubator reject eggs when shipped.

PLEA: Guilty.

DISPOSITION: 6-8-59. Corporation fined \$500, Levin fined \$500, and Keith fined \$200. All fines were suspended on condition that no other violations occur.

26618. Frozen eggs. (F.D.C. No. 43215. S. Nos. 1-454 P, 32-717 P, 56-581 P.)

INFORMATION FILED: 10-29-59, S. Dist. Fla., against Robert Karan, president of Superior Frozen Foods, Inc., Lakeland, Fla., Harold Hulsey, vice president of the corporation, and Mack B. Jewell.

SHIPPED: (Count 1), on 10-20-58, from Florida to New York; (count 2), 1-14-59, from Florida to New Jersey.

CHARGE: 402(a)(3)—contained decomposed eggs.

DISPOSITION: Following a plea of guilty by Robert Karan to count 1 of the information, the United States District Court for the Southern District of Florida on 12-11-59 fined Karan \$500, imposed a sentence of 6 months in jail, which was suspended, and placed him on probation for 5 years.

Pursuant to the requests of Harold Hulsey and Mack Jewell, the cases against such defendants were transferred to the Middle District of Tennessee. Thereafter, pleas of guilty were entered by Hulsey to count 1 and by Jewell to count 2 of the information. On 3-15-60, the United States District Court for the Middle District of Tennessee fined Hulsey \$250 and sentenced him to jail for 4 months. On the same day, the court imposed against Jewell a total fine of \$250 and a total sentence of 4 months in jail applicable to the instant case and to the case against Jewell reported in food notice of judgment No. 26619.

26619. Incubator reject eggs. (F.D.C. No. 42471. S. No. 15-098 P.)

INFORMATION FILED: 12-31-59, E. Dist. Tex., against West Texas By-Products, Inc., Center, Tex., Mack B. Jewell, manager of the corporation, and Henry S. Silberman, president of the corporation.

SHIPPED: 7-24-58, from Texas to Tennessee.

CHARGE: 402(a)(3)—contained decomposed eggs and incubator reject eggs.

DISPOSITION: Pursuant to the requests of the defendants, the case against Mack Jewell was transferred to the Middle District of Tennessee, and the cases against the other defendants were transferred to the Western District of Texas. Thereafter, the defendants entered pleas of guilty. On 1-11-60, the United States District Court for the Western District of Texas imposed a fine of \$100 against the corporation and Henry Silberman jointly. On 3-15-60, the United States District Court for the Middle District of Tennessee imposed against Mack Jewell a total fine of \$250 and a total sentence of 4 months in jail applicable to the instant case and to the case against Jewell reported in food notice of judgment No. 26618.

26620. Incubator reject eggs. (F.D.C. No. 42459. S. No. 15-098 P.)

INFORMATION FILED: 2-22-59, M. Dist. Tenn., against A & R Produce Co., a corporation, Nashville, Tenn., Albert H. Mott, president, and Charles Lane, an employee.

SHIPPED: 7-24-58, from Texas to Tennessee.

CHARGE: 402(a)(3)—contained decomposed eggs and incubator reject eggs.

PLEA: Nolo contendere.

DISPOSITION: 3-15-60. Corporation fined \$500; Mott fined \$250 and sentenced to jail for 4 months; and Lane placed on probation for 3 years.

FISH AND SHELLFISH

26621. Fresh dressed whitefish. (F.D.C. No. 42192. S. Nos. 14-654/5 P.)

QUANTITY: 10 60-lb. boxes and 9 60-lb. boxes at Chicago, Ill.

SHIPPED: 9-2-58, from Winnipeg, Canada, by Booth Fisheries Canadian Co., Ltd., and Keystone Fisheries, Ltd.