

On June 16, 1942, plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$100 and costs.

3783. Adulteration of poultry. U. S. v. Farmers Cooperative Creamery Co. Plea of guilty. Fine, \$75. (F. D. C. No. 7228. Sample No. 41000-E.)

On May 26, 1942, the United States attorney for the District of Minnesota filed an information against the Farmers Cooperative Creamery Co., a corporation, at Pelican Rapids, Minn., alleging shipment on or about October 23, 1941, from the State of Minnesota into the State of Pennsylvania of a quantity of poultry which was adulterated in that it was in whole or in part the product of diseased animals.

On May 26, 1942, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$75.

3784. Adulteration of poultry. U. S. v. Tracy Produce Co., Inc. Plea of guilty. Fine, \$25. (F. D. C. No. 7219. Sample No. 62448-E.)

On June 9, 1942, the United States attorney for the District of Minnesota filed an information against Tracy Produce Co., Inc., Tracy, Minn., alleging shipment on or about September 24, 1941, from the State of Minnesota into the State of Illinois of a quantity of poultry that was adulterated in that it consisted in whole or in part of a filthy, putrid, and decomposed substance; and in that it was in whole or in part the product of diseased animals.

On June 9, 1942, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$25.

3785. Adulteration of dressed poultry. U. S. v. 2 Barrels of Poultry. Default decree of condemnation and destruction. (F. D. C. No. 7378. Sample No. 77111-E.)

On April 21, 1942, the United States attorney for the Eastern District of Pennsylvania filed a libel against 2 barrels of poultry at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about April 14, 1942, by Priebe & Sons, Inc., from Stockley, Del.; and charging that it was adulterated in that it was in whole or in part the product of diseased animals.

On June 22, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

3786. Adulteration of poultry. U. S. v. 2 Barrels of Poultry. Default decree of condemnation and destruction. (F. D. C. No. 6984. Sample No. 69349-E.)

Examination showed the presence of diseased and decomposed birds.

On March 5, 1942, the United States attorney for the Southern District of New York filed a libel against 2 barrels of poultry at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about February 23, 1942, by the H & H Poultry Co. from Selbyville, Del.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance, and in that it was in whole or in part the product of diseased animals.

On May 4, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

3787. Adulteration of poultry. U. S. v. 7 Barrels of Poultry. Default decree of condemnation and destruction. (F. D. C. No. 7173. Sample Nos. 54735-E, 54736-E.)

On April 10, 1942, the United States attorney for the Eastern District of Pennsylvania filed a libel against 7 barrels of poultry at Philadelphia, Pa., alleging that the article had been shipped by Millsboro Poultry Co. from Millsboro, Del., on or about April 3, 1942; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance, and in that it was in whole or in part the product of diseased animals. It was labeled in part "Hutt Choice."

On May 20, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

3788. Misbranding and alleged adulteration of canned turkey. U. S. v. 19 Cases of Turkey Meat. Default decree of condemnation. Product ordered delivered to a Federal institution. (F. D. C. No. 6964. Sample No. 85621-E.)

This product consisted of turkey meat and giblets, containing excessive amounts of broth. It was packed in glass jars in such manner that twice as much light as dark meat was visible, while it actually consisted of about equal proportions of white and dark meat. It was also short of the declared weight.

On March 4, 1942, the United States attorney for the Western District of Washington filed a libel against 19 cases of turkey meat at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about January 12 and February 2, 1942, by Mrs. Fay Leatherwood from Oakland, Oreg.; and charging that it was adulterated and misbranded. It was labeled in part: (Jars) "Napoleon Fancy Boneless Turkey Meat 16 Oz. Net. A. Magano Co. Distributors. Seattle, Wash."

The article was alleged to be adulterated in that a mixture of turkey meat, giblets, and excessive broth had been substituted for "Fancy Boneless Turkey Meat," which it purported to be.

It was alleged to be misbranded (1) in that the name "Fancy Boneless Turkey Meat" was false and misleading as applied to an article which contained giblets and broth in addition to turkey meat; (2) in that the statement "16 Oz. Net" was false and misleading as applied to an article which was short weight; (3) in that its containers were so filled as to be misleading; (4) in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents; (5) in that it was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each ingredient.

On July 31, 1942, no claimant having appeared and the court having found that the product was misbranded as alleged in the libel, judgment of condemnation was entered and the product was ordered delivered to a Federal institution.

3789. Misbranding and alleged adulteration of canned boneless turkey meat. U. S. v. 20 Cases of Boneless Turkey Meat. Default decree of condemnation. Product ordered delivered to a Federal institution. (F. D. C. No. 6847. Sample No. 85325-E.)

This product, which consisted of white and dark meat in about equal proportions, was packed in glass jars. Large pieces of the meat, $\frac{3}{4}$ of which was white meat sliced fairly thin ($\frac{1}{8}$ to $\frac{1}{4}$ inch) were faced against the sides and bottom of the jar. The remaining space was filled with slices, pieces, and broth. The product was also short of the declared weight.

On February 18, 1942, the United States attorney for the Western District of Washington filed a libel against 20 cases of canned turkey meat at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about January 13, 1942, by Baird's Kitchen from Oakland, Oreg.; and charging that it was adulterated and misbranded. The article was labeled in part: (Jars) "Napoleon Fancy Boneless Turkey Meat 16 Oz. Net A. Magano Co. Distributors Seattle, Wash."

It was alleged to be adulterated in that a mixture of white and dark turkey meat with excessive broth had been substituted for "Fancy Boneless Turkey Meat," which it purported to be.

It was alleged to be misbranded (1) in that the name "Fancy Boneless Turkey Meat" was false and misleading since it contained broth in addition to meat; (2) in that the statement "16 Oz. Net" was false and misleading as applied to an article that was short weight; (3) in that the container was so filled as to be misleading since while it consisted of about equal parts of white and dark meat, the meat was so placed in the jar that 25 percent of dark meat and 75 percent of white meat were visible through the glass, giving the impression of a greater proportion of white meat than was present and none of the broth was visible; (4) in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents; and (5) in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient.

On July 31, 1942, no claimant having appeared, judgment was entered finding the product misbranded and ordering that it be condemned and delivered to a Federal institution.

NUTS AND NUT PRODUCTS

3790. Action to enjoin and restrain introduction and delivery for introduction in interstate commerce of adulterated pecan meats. U. S. v. Louis D. Acker, H. W. Lancaster, and William M. Wilder, individually, and as copartners trading as Acker Pecan Products Co., Thronatecska Nut Co., and Wilder Pecan Co., and Wilder Pecan Co., a corporation. Consent decree perpetually enjoining defendants as prayed in complaint. (Inj. No. 29.)

On March 27, 1942, the United States attorney for the Middle District of Georgia filed a bill of complaint against Louis D. Acker, H. W. Lancaster, and William M. Wilder of Albany, Ga., individually and as copartners, trading as the Acker Pecan Products Co., Thronatecska Nut Co., and the Wilder Pecan Co. The complaint