

On September 16, 1942, a plea of nolo contendere was entered on behalf of the defendant corporation and the court imposed a fine of \$500 and costs.

4226. Adulteration of poultry. U. S. v. Swift & Co. Plea of nolo contendere on first count and not guilty on second count. Tried to the court. Verdict of guilty by the court on both counts. Fine \$100, and costs. (F. D. C. No. 7676. Sample Nos. 84379-E, 89733-E, 89734-E.)

On August 24, 1942, the United States attorney for the District of Maryland filed an information against Swift & Co., a corporation, trading at Salisbury, Md., alleging shipment on or about April 8 and 21, 1942, from the State of Maryland into the States of New Jersey and Virginia of quantities of poultry that was adulterated.

The information alleged in the first count that the poultry shipped into New Jersey was adulterated in that it was in whole or in part the product of diseased animals. The information alleged in the second count that the poultry shipped into Virginia was adulterated in that it was in whole or in part the product of diseased animals, and of animals that had died otherwise than by slaughter.

On October 9, 1942, pleas of nolo contendere to the first count and not guilty to the second count having been entered on behalf of the defendant, the case came on for trial before the court, sitting as a jury. At the conclusion of the trial the court entered a verdict of guilty under both counts, stating however, that he was not convinced beyond a reasonable doubt that poultry that had died otherwise than by slaughter had been shipped as charged in the second count. A fine of \$100 and costs was imposed.

4227. Adulteration of poultry. U. S. v. Priebe & Sons, Inc. Plea of guilty. Fine \$100. (F. D. C. No. 7702. Sample No. 77111-E.)

On October 20, 1942, the grand jurors of the United States in and for the District of Delaware presented an indictment against Priebe & Sons, Inc., a corporation, at Stockley, Del., alleging shipment on or about April 14, 1942, from the State of Delaware into the State of Pennsylvania of a quantity of poultry that was adulterated in that it was in whole or in part the product of diseased animals. The article was labeled in part: (Top of barrel) "Priebe Del-Mar-Va Chickens Milk-Fed On Red Comb Feed."

On October 23, 1942, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$100.

4228. Adulteration of poultry. U. S. v. Millsboro Poultry Co., Inc. Plea of guilty. Fine \$100. (F. D. C. No. 7706. Sample Nos. 54735-E, 54736-E.)

On October 20, 1942, the grand jurors of the United States in and for the District of Delaware presented an indictment against the Millsboro Poultry Co., Inc., a corporation, at Millsboro, Del., alleging shipment on or about April 3, 1942, from the State of Delaware into the State of Pennsylvania of a quantity of poultry that 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 October 23, 1942, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$100.

4229. Adulteration of poultry. U. S. v. 9 Barrels of Poultry. Default decree of condemnation and destruction. (F. D. C. No. 8180. Sample No. 17622-F.)

On August 20, 1942, the United States attorney for the District of Maryland filed a libel against 9 barrels of poultry at Berlin, Md., alleging that the article had been shipped in interstate commerce on or about August 18, 1942, by the Eagle Poultry Co. from Frankford, 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 wholly or in part the product of diseased animals.

On September 30, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4230. Adulteration of poultry. U. S. v. 27 Boxes of Poultry. Default decree of condemnation and destruction. (F. D. C. No. 8036. Sample No. 17621-F.)

On August 3, 1942, the United States attorney for the District of Massachusetts filed a libel against 27 boxes of diseased poultry, each box containing 12 fowl, alleging that the article had been shipped in interstate commerce within the period from on or about June 27 to on or about July 16, 1942, from branch houses operated by Wadley & Co., of Independence, Iowa, from Central City, Iowa, by the Central City Produce Co.; from Decorah, Iowa, by the Decorah Produce Co.; and from Forest City, Iowa, by the Forest City Produce Co.; 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 a diseased animal. The article was labeled in part: (Boxes) "Elmore Fatted Broilers," "Elmore Milk Fed Broilers," "Wapsie Valley Fancy Broilers," or "Wapsie Valley Milk Fed Broilers."

On September 14, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

NUTS AND NUT PRODUCTS

4231. Adulteration of pecan meats. U. S. v. 1 Carton and 6 Cartons of Pecan Meats. Default decree of condemnation and destruction. (F. D. C. No. 7646. Sample No. 86570-E.)

This product contained fecal *Esch. coli.* and mammalian hairs resembling those of rodents.

On June 19, 1942, the United States attorney for the Northern District of Illinois filed a libel against 7 cartons, each containing 50 pounds, of pecan meats, at Chicago, Ill., alleging that the article had been shipped in interstate commerce within the period from on or about April 29 to on or about May 13, 1942, by the Finklea Pecan Co. from Mobile, Ala.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On October 27, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4232. Adulteration of shelled peanuts. U. S. v. 10 Bags of Shelled Peanuts. Default decree of condemnation and destruction. (F. D. C. No. 8356. Sample No. 24238-F.)

This product contained insect-eaten and rodent-eaten peanuts, and insect excreta and larvae.

On September 17, 1942, the United States attorney for the Northern District of West Virginia filed a libel against 10 bags, containing approximately 1,140 pounds of shelled peanuts, at Parkersburg, W. Va., alleging that the article had been shipped in interstate commerce on or about August 19, 1942, by Parker Peanut Co. from Suffolk, Va.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On October 10, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4233. Adulteration of shelled Spanish peanuts. U. S. v. 250 Bags and 250 Bags of Peanuts. Consent decrees of condemnation. Product ordered released under bond to be converted into nonedible oils. (F. D. C. Nos. 8063, 8114. Sample Nos. 4717-F, 4720-F.)

This product was insect-infested.

On August 6 and 13, 1942, the United States attorney for the Southern District of Ohio filed libels against 500 bags of peanuts at Cincinnati, Ohio, which had been consigned on or about July 16, 1942, alleging that the article had been shipped in interstate commerce by the Macon Peanut & Storage Co. from Macon and South Macon, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On September 16, 1942, the Kroger Grocery & Baking Co., claimant, Cincinnati, Ohio, having admitted the allegations of the libel, judgments of condemnation were entered and the product was ordered released under bond conditioned that it be processed into nonedible oil under the supervision of the Food and Drug Administration.

4234. Adulteration of peanuts. U. S. v. 24 Bags of Peanuts. Default decree of condemnation. Product ordered sold for extraction of peanut oil. (F. D. C. No. 8298. Sample No. 28651-F.)

This product contained rancid, decomposed, and moldy peanuts.

On September 3, 1942, the United States attorney for the Southern District of Florida filed a libel against 24 bags, each bag containing 115 pounds, of peanuts at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce on or about August 14, 1942, by Hodges Farm Products Co. from Bainbridge, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On October 14, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered sold to a vegetable oil company for the extraction of peanut oil, in accordance with the request of the Fat Salvage Unit