

insanitary conditions existing in the premises. I mean to give it in the words of the information, if the Court please, the second part of each count."

THE COURT: "Yes. The jury is instructed that the last part of each count in the information has been dismissed."

MR. ROSOFF: "May I respectfully request your Honor to read, or perhaps I should read, that part which is to be excluded in the deliberations of the jury."

THE COURT: "Yes, I will read it. It is the last part of the first count and it is this: 'That said food, when introduced and delivered for introduction into interstate commerce, was further adulterated in that it had been held under insanitary conditions whereby it may have become contaminated with filth, against the peace and dignity of the United States.' That has been dismissed."

"The last part of the second count reads as follows: 'That said food, when introduced and delivered for introduction into interstate commerce as aforesaid, was further adulterated in that it had been held under insanitary conditions whereby it may have become contaminated with filth; against the peace of the United States and their dignity.' That also has been dismissed."

MR. ROSOFF: "Thank you, sir."

MRS. SHIENTAG: "May I make one further request with reference to count two of the information? That count charges that the adulteration consisted of the matters set forth in the Court's charge, and in addition another item, rodent pellets."

THE COURT: "Yes, I read that to the jury when I gave them the substance of the counts."

"You may take the case, ladies and gentlemen. You will be in charge of the officer."

The jury then retired and, after due deliberation, returned a verdict of guilty. The court imposed a fine of \$500 on each of the 2 counts, a total fine of \$1,000.

8644. Adulteration of Oregano (spice) and adulteration and misbranding of imitation white pepper. U. S. v. Hugh C. Donnell (Golden Light Coffee Co.)
Plea of guilty. Fine, \$600. (F. D. C. No. 16502. Sample Nos. 26039-H, 26044-H.)

INFORMATION FILED: September 7, 1945, Northern District of Texas, against Hugh C. Donnell, trading as the Golden Light Coffee Co., at Amarillo, Tex.

ALLEGED SHIPMENT: On or about February 21 and 26, 1945, from the State of Texas into the State of New Mexico.

LABEL, IN PART: "Golden Light Spices * * * Oregano," or "Imit. White Pepper Golden Light Spices."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of insect fragments, rodent hairs, and a feather barbule in the Oregano, and a mouse pellet with rodent hairs attached in the imitation white pepper; and, Section 402 (a) (4), the products had been prepared, packed, and held under insanitary conditions whereby they might have become contaminated with filth.

Misbranding, Section 403 (i) (2), the imitation white pepper was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient.

DISPOSITION: October 15, 1945. A plea of guilty having been entered, the defendant was fined \$600.

8645. Adulteration and misbranding of fenugreek. U. S. v. 115 Bags of Fenugreek. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 12206. Sample No. 64861-F.)

LABEL FILED: April 27, 1944, Western District of Washington.

ALLEGED SHIPMENT: On or about June 29, 1943, by the J. B. Gruman Co., Inc., from Newark, N. J.

PRODUCT: 115 200-pound bags of fenugreek at Seattle, Wash.

LABEL, IN PART: "200 Net Condition Powder J. B. Gruman Co. Inc. Newark, N. J."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs and insect fragments.

Misbranding, Section 403 (i) (1), the label failed to bear the common or usual name of the product.

DISPOSITION: October 4, 1945. The J. B. Gruman Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be denatured for use as stock feed, under the supervision of the Federal Security Agency.

8646. Adulteration of ginger. U. S. v. 127 Bags of Ginger (and 2 other seizure actions against ginger). Consent decrees of condemnation. Product ordered released under bond. (F. D. C. No. 15641. Sample Nos. 22633-H, 22639-H, 22640-H.)

LIBELS FILED: March 17, 1945, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about June 26, 1944, by Volkart Brothers, from New Orleans, La.

PRODUCT: 198 180-pound bags and 8 200-pound bags of ginger at St. Louis, Mo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles, larvae, and insect fragments.

DISPOSITION: April 5, 1945. The David G. Evans Coffee Co., St. Louis, Mo., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond to be destroyed or brought into compliance with the law, under the supervision of the Food and Drug Administration.

8647. Adulteration of ground ginger. U. S. v. 9 Cartons of Ground Ginger. Default decree of condemnation and destruction. (F. D. C. No. 15873. Sample No. 26053-H.)

LIBEL FILED: April 10, 1945, Northern District of Texas.

ALLEGED SHIPMENT: On or about January 3, 1944, by Spices, Inc., from Los Angeles, Calif.

PRODUCT: 9 cartons, each containing 24 2-ounce boxes, of ground ginger at Sweetwater, Tex.

LABEL, IN PART: "El Rey Ginger Spices Inc. Los Angeles."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance, insect fragments and rodent hairs, and it was unfit for human consumption.

DISPOSITION: October 1, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8648. Adulteration and misbranding of imitation black pepper. U. S. v. 299 Cards of Imitation Black Pepper. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 16743. Sample No. 21867-H.)

LIBEL FILED: June 30, 1945, Western District of Tennessee.

ALLEGED SHIPMENT: On or about April 21, 1945, by the Gem Packing and Sales Co., from Houma, La.

PRODUCT: 299 cards (each with 16 envelopes attached) of imitation black pepper at Covington, Tenn. The product was short-weight, and the printing on the envelopes was practically illegible.

LABEL, IN PART: (Cards) "Bayou Maid Black Pepper"; (envelopes) "Bayou Maid Imitation Black Pepper * * * Made with Roasted Rye, Bran Flour, Pepper, Parts of Cotton Seed and Wheat Flour 1½ Oz. Net Weight."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a substance consisting essentially of ground buckwheat hulls, wheat flour, corn meal, salt, and a pungent flavoring, and containing little, if any, pepper, had been substituted in whole or in part for black pepper.

Misbranding, Section 403 (a), the designation on the cards, "Black Pepper," was false and misleading as applied to a mixture consisting of the above-named ingredients; Section 403 (c), the product was an imitation of black pepper, and its label failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated; Section 403 (e) (2), it failed to bear a label containing an accurate statement of the quantity of the contents; and, Section 403 (f), the name and place of business of the manufacturer, packer, or distributor, the statement of the quantity of the contents, and the common or usual name of each ingredient, required by law to appear on the label, were not prominently displayed thereon with such conspicuousness (as compared with other words, statements, designs, or