

was otherwise unfit for food by reason of the presence of shriveled nuts and empty shells.

DISPOSITION: November 25, 1949, and January 9, 1950. The Consolidated Pecan Sales Co., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the court ordered that the product be released under bond for segregation and destruction of the unfit portion, under the supervision of the Federal Security Agency. The segregation operations resulted in the destruction of approximately 12½ percent of the seized nuts.

OIL

16790. Supplement to notice of judgment on foods, No. 13346. U. S. v. 6 Cans, etc. Suit for forfeiture of bond following condemnation and release of product under bond; bond ordered forfeited. (F. D. C. Nos. 21944, 21946. Sample Nos. 65637-H, 65638-H.)

Subsequent to the entry of the decree of condemnation against the 6 cans and 50 cases of edible oil under seizure in the case and the release of such product under bond to the Emperor Dairy Products Co., Inc., claimant, a motion was filed on behalf of the Government for forfeiture of the bond for failure to comply with the terms of the decree requiring that the re-refining, purifying, repacking, and relabeling of the product provided for under the decree be supervised by the Federal Security Agency. An affidavit in opposition to the motion was then filed on behalf of the claimant; and on September 6, 1950, the court, after due consideration, sustained the Government's motion and ordered that the claimant's bond in the amount of \$3,000 be forfeited.

POULTRY

16791. Adulteration of dressed poultry. U. S. v. Blue Star Foods, Inc., David J. Kaplan, and Joe S. Kaplan. Pleas of nolo contendere. Corporation fined \$200, plus costs; each individual fined \$25. (F. D. C. No. 29135. Sample Nos. 70104-K, 70105-K, 70113-K, 70118-K, 70119-K.)

INFORMATION FILED: May 16, 1950, District of Nebraska, against Blue Star Foods, Inc., Wahoo, Nebr., and David J. Kaplan, president, and Joe S. Kaplan, manager of the corporation.

ALLEGED SHIPMENT: On or about October 21 and 28 and November 29, 1949, from the State of Nebraska into the State of Iowa.

LABEL, IN PART: (Box) "Blue Moon Poultry [or "Red" or "Blue Diamond Fowl"] * * * Pkd. By Blue Star Produce Inc. Gen. Off. Co. Bluffs, Ia."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of rodent pellets and fecal smears; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 27, 1950. Pleas of nolo contendere having been entered, the court fined the corporation \$200, plus costs, and each individual defendant \$25.

16792. Adulteration of dressed poultry. U. S. v. 13 Boxes * * *. (F. D. C. No. 29724. Sample No. 57176-K.)

LABEL FILED: September 11, 1950, District of Connecticut.

ALLEGED SHIPMENT: On or about August 15, 1950, by Litchfield Produce Co., Inc., from Litchfield, Minn.

PRODUCT: 13 boxes, each containing approximately 40 pounds, of dressed poultry at New Haven, Conn.

LABEL, IN PART: (Box) "Majestic Brand Poultry * * * Wilson & Co.
* * * U. S. D. A. Grade B."

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 fecal matter and rodent excreta; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 13, 1950. Default decree of condemnation and destruction.

16793. Adulteration of dressed poultry. U. S. v. 9 Crates * * * (and 1 other seizure action). (F. D. C. No. 29377. Sample Nos. 73123-K, 73124-K.)

LIBELS FILED: June 30, 1950, Southern District of New York.

ALLEGED SHIPMENT: On or about June 12 and 13, 1950, by the Delmarva Poultry Corp., Milford, Del.

PRODUCT: Dressed poultry. 9 crates, containing a total of 675 pounds, and 32 crates, containing a total of 2,250 pounds, at New York, N. Y.

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 fecal matter, feathers, and other extraneous filth.

DISPOSITION: August 14, 1950. The shipper, claimant, having consented to the entry of decrees, judgments of condemnation were entered and the court ordered that the product be released under bond for the salvaging of the fit portion, under the supervision of the Food and Drug Administration. Segregation operations resulted in the salvage of 1,800 pounds of poultry. The remainder of the poultry was denatured.

16794. Adulteration of dressed poultry. U. S. v. 25 Crates * * *. (F. D. C. No. 29315. Sample No. 73114-K.)

LIBEL FILED: May 17, 1950, Southern District of New York.

ALLEGED SHIPMENT: On or about April 27, 1950, by Eagle Poultry Packers, Inc., Frankford, Del.

PRODUCT: 25 crates, each containing approximately 70 pounds, of dressed poultry at New York, N. Y.

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 birds that were contaminated with fecal and other extraneous matter; and Section 402 (a) (5), the product was in whole or in part the product of a diseased animal.

DISPOSITION: September 12, 1950. The shipper, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond for the segregation of the fit from the unfit portion and the destruction of the unfit portion, under the supervision of the Food and Drug Administration. The segregation operations resulted in the salvage and release of approximately 1,000 pounds of poultry. The remainder of the poultry was destroyed.