

DISPOSITION: On June 12, 1951, Carl Mannone having entered a plea of nolo contendere to count 2 of the information, the court fined this defendant \$250 on that count and sentenced him to 1 year in prison. The prison sentence was suspended, however, and he was placed on probation for 1 year. On July 17, 1951, Samuel Joseph Lafata having entered a plea of guilty to the remaining 3 counts, the court fined him \$750.

17736. Adulteration of colored oleomargarine. U. S. v. 293 Cases * * *.
(F. D. C. No. 30997. Sample No. 28524-L.)

LIBEL FILED: June 19, 1951, Northern District of California.

ALLEGED SHIPMENT: On or about November 5, 1950, from Cincinnati, Ohio.

PRODUCT: 293 cases, each containing 24 cartons, of colored oleomargarine at Daly City, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of mold. It was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: July 3, 1951. Western Dairy Products, Inc., San Francisco, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for conversion into tallow, under the supervision of the Federal Security Agency.

POULTRY

17737. Adulteration of dressed poultry. U. S. v. Joe Sheehan (Sheehan Produce). Plea of guilty. Fine of \$200, plus costs. (F. D. C. No. 31069. Sample Nos. 89877-K, 89883-K.)

INFORMATION FILED: June 19, 1951. Northern District of Iowa, against Joe Sheehan, trading as Sheehan Produce, at Le Mars, Iowa.

ALLEGED SHIPMENT: Between the approximate dates of September 1 and 20, 1950, from the State of Iowa into the State of Nebraska.

NATURE OF CHARGE: Adulteration, Section 402 (a) (5), the article was in part the product of a diseased animal, namely, diseased poultry.

DISPOSITION: June 19, 1951. A plea of guilty having been entered, the court fined the defendant \$200, plus costs.

17738. Adulteration of dressed poultry. U. S. v. 6 Second-hand Crates * * *.
(F. D. C. No. 30919. Sample No. 4886-L.)

LIBEL FILED: April 12, 1951, District of Massachusetts.

ALLEGED SHIPMENT: On or about April 5, 1951, by the New Hampshire Poultry Co., from Manchester, N. H.

PRODUCT: 6 second-hand crates, each containing approximately 65 pounds of dressed poultry at Boston, Mass.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of birds that were contaminated with fecal matter and crop material; and, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal.

DISPOSITION: May 21, 1951. Default decree of condemnation. The court ordered that the unfit portion of poultry be segregated from the fit portion, under the supervision of the Federal Security Agency; that the fit portion be

delivered to a charitable institution; and that the unfit portion be destroyed. Four crates of poultry were salvaged as fit.

17739. Misbranding of canned boned chicken. U. S. v. 63 Cartons * * *
(F. D. C. No. 30874. Sample No. 24598-L.)

LABEL FILED: March 27, 1951, District of New Jersey.

ALLEGED SHIPMENT: On or about August 2, 1950, by Harp Foods Mfg., Inc., from Shawnee, Okla.

PRODUCT: 63 cartons, each containing 18 2-pound, 3-ounce cans, of boned chicken at Jersey City, N. J.

LABEL, IN PART: (Can) "Harp's Oklahoma Brand Boned Chicken."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label designation "Boned Chicken" was false and misleading since the product contained bones.

DISPOSITION: June 8, 1951. Harp Foods Mfg., Inc., an Oklahoma corporation, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling to indicate that it contained boned chicken meat with imbedded bones of chicken, under the supervision of the Federal Security Agency.

SPICES, FLAVORS, AND SEASONING MATERIALS

17740. Adulteration of red pepper hulls. U. S. v. 2 Unlabeled Barrels * * *
(F. D. C. No. 30986. Sample No. 31077-L.)

LABEL FILED: June 15, 1951, Western District of Tennessee.

ALLEGED SHIPMENT: On or about May 8, 1951, by John N. Wright, Jr., from Federalsburg, Md.

PRODUCT: 2 unlabeled barrels, each containing 500 pounds, of red pepper hulls at Memphis, Tenn.

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 insects and insect parts; and, Section 402 (a) (4), the product had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: July 18, 1951. Default decree of condemnation and destruction.

17741. Adulteration and misbranding of popcorn seasoning. U. S. v. 11 Pails * * *
(F. D. C. Nos. 30972, 30973. Sample No. 15578-L.)

LABEL FILED: On or about July 6, 1951, Western District of Missouri.

ALLEGED SHIPMENT: On or about September 13, 1950, by E. F. Drew Co., from Chicago, Ill.

PRODUCT: 11 50-pound pails of popcorn seasoning at St. Joseph, Mo.

LABEL, IN PART: "Cobee Pops Brand Popcorn Seasoning"

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was unfit for food by reason of its disagreeable odor and taste. The product was adulterated while held for sale after shipment in interstate commerce.

Misbranding, Section 403 (e) (1), the product failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; and, Section 403 (i) (2), it was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each ingredient. The product was misbranded while in interstate commerce.