

that the product be delivered to a charitable institution, for use as animal feed.

18534. Adulteration of tomato paste. U. S. v. 876 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 32447, 32464. Sample Nos. 1679-L, 1680-L, 3223-L.)

LIBELS FILED: On January 21, 1952, and on or about January 30, 1952, Eastern District of Virginia and Northern District of Georgia.

ALLEGED SHIPMENTS: On or about May 29, June 11, 12, 13, 14, 15, 18, and 20, July 26, and August 15, 1951, by Flotill Products, Inc., from Jersey City, N. J., and Brooklyn and New York, N. Y.

PRODUCT: 876 cases, each containing 10 9-pound, 14-ounce cans of tomato paste at Richmond, Va., and 3,248 cases, each containing 10 10-pound, 1/2-ounce cans, of tomato paste at Conley, Ga.

LABEL, IN PART: (Can) "La Valtrebbia Oro Brand Tomato Paste Italian," "Tomato Paste Made in Hungary * * * Golden pheasant," or "Globus * * * High Concentrated Hungarian Tomato Paste."

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 decomposed tomato material.

DISPOSITION: On March 24, 1952, a default decree of condemnation and destruction was entered with respect to the 3,248 cases of tomato paste; and, on April 4, 1952, a default decree of condemnation was entered against the 876 cases of the product. The court ordered that the latter lot be delivered to a public institution. The intact cans of this lot were to be used as animal feed, and the ruptured or otherwise unfit cans were to be destroyed.

18535. Adulteration of tomato paste. U. S. v. 395 Cases * * *. (F. D. C. No. 32431. Sample No. 9544-L.)

LIBEL FILED: January 16, 1952, Northern District of Illinois.

ALLEGED SHIPMENT: On or about May 16, 1951, by the Namrod Trading Co., from Brooklyn, N. Y.

PRODUCT: 395 cases, each containing 10 10-pound cans, of tomato paste at Great Lakes, Ill.

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 decomposed tomato material.

DISPOSITION: April 9, 1952. Default decree of condemnation and destruction.

NUTS

18536. Adulteration of chestnuts. U. S. v. 4 Barrels * * *. (F. D. C. No. 32299. Sample No. 7667-L.)

LIBEL FILED: December 18, 1951, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about November 15, 1951, from Buffalo, N. Y.

PRODUCT: 4 175-pound barrels of chestnuts at Erie, Pa.

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 moldy and otherwise decomposed chestnuts. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: February 14, 1952. Default decree of condemnation and destruction.

18537. Adulteration of mixed nuts. U. S. v. 16 Cases * * *. (F. D. C. No. 32300. Sample No. 7666-L.)

LIBEL FILED: December 19, 1951, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about September 15, 1951, from San Francisco, Calif.

PRODUCT: 16 cases, each containing 24 1-pound bags, of mixed nuts at Erie, Pa.

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 moldy and otherwise decomposed brazil nuts. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: February 14, 1952. Default decree of condemnation and destruction.

POULTRY

18538. Adulteration of dressed poultry and frozen eggs. U. S. v. Harry Tushman (Orleans Poultry Co.). Plea of nolo contendere. Fine of \$750, plus costs. (F. D. C. No. 31555. Sample Nos. 24334-L, 24335-L, 24344-L, 25468-L, 37979-L.)

INFORMATION FILED: November 10, 1951, Western District of Kentucky, against Harry Tushman, trading as the Orleans Poultry Co., Owensboro, Ky.

ALLEGED SHIPMENT: On or about May 12 and 15 and June 5 and 14, 1951, from the State of Kentucky into the States of New York and Pennsylvania.

NATURE OF CHARGE: Dressed poultry. Adulteration, Section 402 (a) (3), the article consisted in part of a decomposed substance by reason of the presence of decomposed birds, and of a filthy substance by reason of the presence of birds contaminated with fecal matter; Section 402 (a) (5), the article was in part the product of a diseased animal; and, Section 402 (a) (4), a portion of the article had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

Frozen eggs. Adulteration, Section 402 (a) (3), the article consisted in part of a decomposed substance by reason of the presence of decomposed eggs.

DISPOSITION: January 22, 1952. A plea of nolo contendere having been entered, the court imposed a fine of \$750, plus costs.

18539. Adulteration of dressed chickens. U. S. v. 77 Dressed Chickens. (F. D. C. No. 32581. Sample No. 3291-L.)

LIBEL FILED: On or about March 5, 1952, District of Maryland.

ALLEGED SHIPMENT: On or about February 18, 1952, by Armour & Co., from Frankford, Del.

PRODUCT: 77 dressed chickens at Baltimore, Md.

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 which were contaminated with fecal matter and crop material; and, Section 402 (a) (5), it was in whole or in part the product of a diseased animal.

DISPOSITION: March 26, 1952. Default decree of condemnation and destruction.