sisted for years without congressional interference. *Norwegian Nitrogen Co.* v. *United States*, 288 U. S. 294, 315; *White* v. *Winchester Country Club*, 315 U. S. 32, 41; *Skidmore* v. *Swift & Co.*, 323 U. S. 134, 140. So too, in *Strong, Cobb & Co.* v. *United States*, 103 F. 2d 671, 674 (CA–6), the court held that a drum holding some 17,000 medicinal tablets was, within the statute, a package.

"We think elimination of the labels and permitting the repacked unlabeled barrels to go out containing horse meat were entirely sufficient to sustain the verdict and judgment. However, we are also of the opinion that, under the evidence submitted by the government, placing the words 'chucks' and 'chunks' on the repacked barrels was entirely misleading. The government's evidence is that, unless otherwise limited, the ordinary significance of these words is that they are beef products. After the packing company received actual custody of the barrels, no subsequent consumer purchaser would have any warning that the barrels contained horse meat but would know only that they contained 'chucks' and 'chunks,' which commonly mean beef.

"There is some controversy as to whether defendants removed all the inspection stamps indicating that the contents were horse meat. The defendants insist that they did not remove all such stamps before repacking, but the evidence of the government is to the effect that defendants were seen removing the stamps from every piece of meat upon which they appeared. Bearing in mind that we must accept the evidence in its phases most favorable to the government, we can not say that the jury was not justified in believing that all such informative stamps were being removed. *United States* v. *Monarch Distributing Co.*, 116 F. 2d 11, 13 (CA–7), cert. den, 312 U. S. 695.

"Defendants seem to insist that they acted in good faith and did not deceive their purchaser. Such a contention, of course, is beside the point, for the purpose of the statute is to prohibit commerce in misbranded articles. The good intent of the one who misbrands is of no avail. Every person responsible for the commission of the prohibited acts is guilty of the offense defined, irrespective of his intent. *United States* v. *Dotterweich*, 320 U. S. 277; *United States* v. *Parfait Powder Puff Co.*, 163 F. 2d 1008 (CA–7), cert. den. 332 U. S. 851; *United States* v. *Greenbaum*, 138 F. 2d 437 (CA–3).

"Inasmuch as the sentence of the court was within the limits prescribed by the law, in the absence of procedural error, the judgment must be and is affirmed."

A petition for rehearing was filed with the Court of Appeals for the Seventh Circuit and was denied on January 9, 1953. The defendants then filed a petition for a writ of certiorari with the United States Supreme Court, and this petition was denied on April 6, 1953.

19689. Adulteration of dressed poultry. U. S. v. Lee-Al Poultry. Plea of nolo contendere. Fine, $500. (F. D. C. No. 33840. Sample No. 26330–L.)

INFORMATION FILED: December 23, 1952, Eastern District of Pennsylvania, against Lee-Al Poultry, a partnership, Philadelphia, Pa.

ALLEGED SHIPMENT: On or about July 11, 1952, from the State of Pennsylvania into the State of New Jersey.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a decomposed substance by reason of the presence of rotten poultry; and, Section 402 (a) (5), the article was in part the product of a diseased animal, namely, diseased poultry.

DISPOSITION: May 20, 1953. A plea of nolo contendere having been entered, the court fined the defendant $500.

19690. Adulteration of dressed poultry. U. S. v. Spaulding & Sons, Inc. Plea of guilty. Fine, $300. (F. D. C. No. 32803. Sample Nos. 24367–L, 24375–L.)

INFORMATION FILED: November 20, 1952, District of Massachusetts, against Spaulding & Sons, Inc., Billerica, Mass.

ALLEGED SHIPMENT: On or about August 9 and 23, 1951, from the State of Massachusetts into the State of New York.

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

DISPOSITION: March 16, 1953. The defendant having entered a plea of guilty, the court fined it $300.

19691. Adulteration of dressed poultry. U. S. v. 512 Pounds * * *. (F. D. C. No. 33937. Sample No. 49526–L.)

LIBEL FILED: October 20, 1952, Southern District of New York.

ALLEGED SHIPMENT: On or about October 6, 1952, by the B & B Poultry Co., from Norma, N. J.

PRODUCT: 512 pounds of dressed poultry at New York, N. Y.

LABEL, IN PART: "B & B Poultry Co. Norma, N. J."

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

DISPOSITION: December 17, 1952. Default decree of condemnation and destruction.

19692. Adulteration of dressed poultry. U. S. v. 5 Crates, etc. (F. D. C. No. 33869. Sample Nos. 44733–L, 44734–L.)

LIBEL FILED: September 17, 1952, District of Massachusetts.

ALLEGED SHIPMENT: On or about September 3 and 4, 1952, by New Hampshire Poultry Co., Inc., from Manchester, N. H.

PRODUCT: 6 crates of dressed poultry, each crate containing from 22 to 27 birds, at Boston, Mass.

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.

DISPOSITION: September 25, 1952. Consent decree of condemnation and destruction.

SPICES, FLAVORS, AND SEASONING MATERIALS

19693. Adulteration of hot cherry peppers. U. S. v. 11 Cases * * *. Tried to the court. Verdict for the Government. Decree of condemnation and destruction. (F. D. C. No. 32152. Sample No. 23764–L.)

LIBEL FILED: November 19, 1951, District of Connecticut.

ALLEGED SHIPMENT: On or about August 16, 1951, by G. Capaldi & Son, Inc., from Watertown, Mass.

PRODUCT: 11 cases, each containing 12 1-quart jars, of hot cherry peppers at New Britain, Conn.

LABEL, IN PART: (Jar) "Naples Brand * * * Hot Cherry Peppers."

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 maggots.

DISPOSITION: G. Capaldi & Son, Inc., appeared as claimant and filed an answer denying that the product was adulterated. Thereafter, a set of interrogatories was filed by the Government on November 20, 1952, with the request that they