

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

be answered by the claimant. Answers to the interrogatories were filed, and on January 9, 1953, the case came on for trial before the court without a jury. At the conclusion of the trial, the case was taken under advisement by the court, and on January 22, 1953, the court handed down its findings of fact and conclusions of law in favor of the Government. On February 3, 1953, the court entered a decree of condemnation and ordered that the product be destroyed.

19694. Adulteration of chili peppers. U. S. v. 86 Bags * * *. (F. D. C. No. 31885. Sample No. 27652-L.)

LIBEL FILED: October 11, 1951, Northern District of California.

ALLEGED SHIPMENT: On or about June 11, 1951, from New York, N. Y.

PRODUCT: 86 74-pound bags of chili peppers at San Francisco, Calif.

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 insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 14, 1951. B. C. Ireland, Inc., 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 to be brought into compliance with the law, under the supervision of the Federal Security Agency. Salvage operations were unsuccessful, and the product was destroyed.

19695. Adulteration of chilies. U. S. v. 35 Bags * * * (and 1 other seizure action). (F. D. C. Nos. 33541, 33551. Sample Nos. 36876-L to 36879-L, incl.)

LIBELS FILED: August 26 and 27, 1952, Eastern District of New York.

ALLEGED SHIPMENT: At a time prior to August 26, 1952, from Nigeria.

PRODUCT: Chilies. 120 bags, each containing 60 pounds, and 35 bags, each containing 100 pounds, at Brooklyn, 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 insects. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: October 29, 1952. The libels having been consolidated, B. H. Old & Co., Inc., New York, N. Y., appeared as claimant and consented to the entry of a decree. Judgment of condemnation was entered, and the court ordered that the product be released under bond for salvaging. Of the 8,715 pounds which were seized, 8,000 pounds were salvaged and 715 pounds were destroyed.

19696. Adulteration and misbranding of lemon oil. U. S. v. Torre Products Co., Inc., and Salvatore Torregrossa and Patsy Torregrossa. Pleas of guilty. Fine of \$500 against corporation and fine of \$250 against each individual defendant. (F. D. C. No. 31285. Sample No. 24497-L.)

INFORMATION FILED: November 19, 1952, Southern District of New York, against Torre Products Co., Inc., New York, N. Y., and Salvatore Torregrossa and Patsy Torregrossa, president and treasurer, respectively, of the corporation.

ALLEGED VIOLATION: Between the approximate dates of August 25, 1950, and January 11, 1951, the defendants gave to a firm engaged in the business of shipping food in interstate commerce a guaranty to the effect that the lemon oil