

and in that such articles had been and were being prepared and held at the defendant's plants under insanitary conditions whereby the articles may have become contaminated with filth; that the insanitary conditions in the defendant's plants resulted from the presence of dead mice, rodent excreta, rodent urine, insects, and insect fragments in and around places in the plants where the articles were manufactured, prepared, and held; and that the insanitary conditions resulted also from general carelessness whereby the articles in the plants were subjected to contamination.

The complaint alleged further that the defendant continued to introduce and caused to be introduced into interstate commerce crude cottonseed oil and crude soybean oil adulterated as described above, and alleged on information and belief that the defendant would continue to do so unless restrained.

DISPOSITION: June 23, 1953. The defendant having consented to the entry of a decree, an injunction was entered perpetually enjoining and restraining the defendant from introducing and causing to be introduced into interstate commerce crude cottonseed oil and crude soybean oil or any other such articles manufactured and prepared at defendant's plants and adulterated within the meaning of Section 402 (a) (3) and (4).

OLEOMARGARINE

20691. Interstate shipment of adulterated and misbranded oleomargarine and sale and offering for sale of colored oleomargarine. U. S. v. Alfred Silberman (Sunny Brook Dairy Co.). Plea of guilty. Fine \$400. (F. D. C. No. 33771. Sample No. 24221-L.)

INDICTMENT RETURNED: April 22, 1953, Northern District of New York, against Alfred Silberman, trading as the Sunny Brook Dairy Co., Saratoga Springs, N. Y.

NATURE OF CHARGE: The defendant violated Section 301 (a), by the introduction into interstate commerce, at Saratoga Springs, N. Y., for delivery to Secaucus, N. J., of a quantity of colored oleomargarine represented as butter, which was adulterated under Section 402 (b) (2), in that colored oleomargarine had been substituted for butter, and which was misbranded under Section 403 (i) (1), in that the label of the article failed to bear the common or usual name of the article, namely, colored oleomargarine or colored margarine, and under Section 403 (i) (2), in that the article was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient.

The defendant violated also Section 301 (m) by causing to be sold and offered for sale a quantity of colored oleomargarine or colored margarine which was not labeled as required by Section 407 (b) (3) with (A) the word "oleomargarine" or "margarine" in type or lettering at least as large as any other type or lettering on the label and (B) a statement of the ingredients contained in such colored oleomargarine or colored margarine.

DISPOSITION: December 10, 1953. The defendant having entered a plea of guilty, the court fined him \$400.

SPICES, FLAVORS, AND SEASONING MATERIALS

20692. Adulteration of coriander seed. U. S. v. 60 Bags * * *. (F. D. C. No. 35643. Sample No. 51916-L.)

LABEL FILED: September 28, 1953, Southern District of New York.

ALLEGED SHIPMENT: During the year 1951, from a foreign country.

PRODUCT: 60 bags, each containing 90 pounds, of coriander seed at Bronx, N. Y.

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: October 23, 1953. Default decree of condemnation and destruction.

20693. Misbranding of Paprakene. U. S. v. 1 Drum * * *. (F. D. C. No. 34917. Sample No. 49809-L.)

LABEL FILED: March 27, 1953. Southern District of New York.

ALLEGED SHIPMENT: On or about December 30, 1952, by Spicene Co. of America, Inc., from West New York, N. J.

PRODUCT: 1 drum of Paprakene at Bronx, N. Y. Examination showed that the product was salt, colored with annatto and cochineal color, and that it contained little or no oleoresin capsicum.

LABEL, IN PART: (Drum) "Paprakene Contents: Oleoresin Capsicum Annatto and other essential oils and extractions in a Sodium Chloride Carrier * * * Net Weight 150# This Product Is Guaranteed To Comply With All Pure Food Laws and B. A. I. Regulations."

NATURE OF CHARGE: Misbranding, Section 403 (a), the oleoresin capsicum listed first in the ingredient statement was false and misleading as applied to a product which contained little, if any, oleoresin capsicum; and the label statement "This Product Is Guaranteed To Comply With All Pure Food Laws and B. A. I. Regulations" was false and misleading since the article did not comply with the Federal Food, Drug, and Cosmetic Act, and was a product which was not permitted to be used in plants operated under B. A. I. regulations.

Further misbranding, Section 403 (i) (2), the article was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient since the statement "other essential oils and extractions in a Sodium Chloride Carrier" did not reveal the common or usual name of each ingredient of the article; and, Section 403 (k), the article contained artificial coloring, cochineal, and it failed to bear labeling stating that fact.

DISPOSITION: August 24, 1953. Default decree of condemnation and destruction.

20694. Misbranding of Paprakene. U. S. v. 1 Drum * * *. (F. D. C. No. 34892. Sample No. 49799-L.)

LABEL FILED: February 20, 1953, Southern District of New York.

ALLEGED SHIPMENT: On or about October 30, 1952, by Spicene Co. of America, Inc., from West New York, N. J.

PRODUCT: One drum containing 146 pounds of Paprakene at New York, N. Y. Examination showed that the product was salt, colored with annatto and cochineal color, and that it contained little or no oleoresin capsicum.

LABEL, IN PART: (Drum) "Paprakene Contents: Oleoresin Capsicum Annatto and other essential oils and extractions in a Sodium Chloride Carrier