

**21191. Adulteration of pecan meats. U. S. v. 50 Cases, etc. (F. D. C. No. 36237. Sample No. 41657-L.)**

**LIBEL FILED:** January 21, 1954, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about November 17 and 27, 1953, by the Consolidated Pecan Sales Co., from Albany, Ga.

**PRODUCT:** 50 25-pound cases and 35 30-pound cases of pecan meats at Lancaster, Pa.

**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 *E. coli*; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** March 23, 1954. Default decree of condemnation and destruction.

**21192. Adulteration of pecan meats. U. S. v. 6 Cases \* \* \*. (F. D. C. No. 36287. Sample No. 43606-L.)**

**LIBEL FILED:** January 19, 1954, Northern District of California.

**ALLEGED SHIPMENT:** On or about December 3, 1953, by the Natchez Pecan Shelling Co., from Natchez, Miss.

**PRODUCT:** 6 cases of pecan meats at Lafayette, Calif.

**LABEL, IN PART:** "30 Lbs. Net When Packed \* \* \* Dixie's Best Selected Shelled Pecans Large Halves."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of moldy pecans.

**DISPOSITION:** February 2, 1954. Default decree of condemnation and destruction.

**21193. Adulteration of shelled walnuts. U. S. v. 17 Boxes \* \* \*. (F. D. C. No. 36300. Sample No. 65532-L.)**

**LIBEL FILED:** January 27, 1954, District of Minnesota.

**ALLEGED SHIPMENT:** On or about December 2, 1953, from New York, N. Y.

**PRODUCT:** 17 55-pound boxes of shelled walnuts at Minneapolis, Minn.

**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 insect-damaged walnuts. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** April 6, 1954. A default decree was entered providing for the destruction of the product unless denatured for use as animal feed.

## POULTRY

**21194. Adulteration of dressed poultry. U. S. v. 7,723 Pounds \* \* \*. (F. D. C. No. 35263. Sample No. 57381-L.)**

**LIBEL FILED:** May 22, 1953, Eastern District of Virginia.

**ALLEGED SHIPMENT:** On or about May 11, 1953, by Diamond State Poultry Co., Inc., from Lewes, Del.

**PRODUCT:** 7,723 pounds of dressed poultry in 101 crates at Norfolk, Va.

**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 which 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:** Diamond State Poultry Co., Inc., claimant, filed an answer denying that the product was adulterated. The Government then served a set of written interrogatories upon the claimant, which were answered on March 2, 1954. Thereafter, the claimant consented to the entry of a decree without prejudice to its right to contest the fact of adulteration in other proceedings, and on March 8, 1954, judgment of condemnation was entered. The court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The poultry was reconditioned by a thorough scrubbing and cleaning of each bird.

21195. Adulteration of dressed poultry. U. S. v. 658 Pounds \* \* \*. (F. D. C. No. 36242. Sample Nos. 81711-L, 81712-L.)

**LIBEL FILED:** December 8, 1953, Southern District of Iowa.

**ALLEGED SHIPMENT:** On or about November 20, 1953, by Babendure & Sons, from Fremont, Nebr.

**PRODUCT:** 658 pounds of dressed poultry in 12 boxes at Council Bluffs, Iowa.

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

**DISPOSITION:** January 14, 1954. Babendure & Sons, 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 segregation of the unfit portion from the fit portion, under the Supervision of the Department of Health, Education, and Welfare. As a result of the segregation operations, 83 birds out of a total of 200 were found unfit and were destroyed.

## SPICES, FLAVORS, AND SEASONING MATERIALS

21196. Misbranding of black pepper. U. S. v. 75 Cases \* \* \*. (F. D. C. No. 36433. Sample No. 60161-L.)

**LIBEL FILED:** March 12, 1954, Eastern District of South Carolina.

**ALLEGED SHIPMENT:** On or about January 27, 1954, by the La Salle Mfg. Co., from Chicago, Ill.

**PRODUCT:** 75 cases, each containing 48 cans, of black pepper at Charleston, S. C.

**LABEL, IN PART:** (Can) "Florence Nightingale 1 Oz. Net Wt. Pure Ground Black Pepper."

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents. (Examination showed that the article was short weight.)

**DISPOSITION:** April 7, 1954. The La Salle Mfg. Co., 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 under the supervision of the Department of Health, Education, and Welfare.