MEAT AND POULTRY

18837. Adulteration and misbranding of horse meat. U. S. v. Max Dubin (Canal Street Market). Plea of nolo contendere. Fine of $1,000 ($500 on each of counts 1 and 4); probation for 1 year on remaining counts. (F. D. C. No. 32756. Sample Nos. 5474–L, 5477–L, 5478–L, 5481–L, 5482–L.)

INDICTMENT RETURNED: June 10, 1952, District of Rhode Island, against Max Dubin, trading as the Canal Street Market, at Providence, R. I.

INTERSTATE SHIPMENT: Prior to the date of the sales described below, various quantities of horse meat were shipped in interstate commerce into the State of Rhode Island.

ALLEGED VIOLATION: On or about July 27 and 28 and August 2, 1951, while the horse meat was being held for sale after shipment in interstate commerce, the defendant, Max Dubin, caused various quantities of it to be displayed in a showcase at the Canal Street Market and caused various quantities to be sold as beef hamburg, lamb patties, beef cube steaks, beef stew meat, and beef tenderloin steak, which acts resulted in the horse meat being adulterated and misbranded.

LABEL, IN PART: (Placard displayed in close proximity to the product sold as ground beef hamburg) "Fresh Ground Hamburg."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), horse meat had been substituted in part for beef hamburg, lamb patties, beef cube steaks, beef stew meat, and beef tenderloin steak.

Misbranding, Section 403 (b), the article had been offered for sale under the names of various other foods, namely, beef hamburg, lamb patties, beef cube steaks, beef stew meat, and beef tenderloin steak; and, Section 403 (a), the statement "Fresh Ground Hamburg," borne on the placard accompanying a portion of the article, was false and misleading since the statement represented and suggested that the article was beef hamburg, whereas it was not beef hamburg.

DISPOSITION: June 18, 1952. A plea of nolo contendere having been entered by the defendant, the court imposed a fine of $500 on each of counts 1 and 4 of the indictment and placed the defendant on probation for 1 year on each of the remaining counts. Probation on each of the 8 counts was to run concurrently.

18838. Adulteration of poultry. U. S. v. 5,559 Pounds * * *. (F. D. C. No. 32624. Sample No. 48232–L.)

LIBEL FILED: January 24, 1952, District of Minnesota.

ALLEGED SHIPMENT: On or about December 30, 1951, by P. G. Gray, from Estherville, Iowa.

PRODUCT: 5,559 pounds of poultry at St. Paul, Minn.

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 of a decomposed substance by reason of the presence of decomposed birds; and, Section 402 (a) (5), it was in whole or in part the product of a diseased animal.

DISPOSITION: March 10, 1952. A default decree was entered, and the court ordered that the product be denatured for use as animal feed or be destroyed. The product was used for hog feed.