

DISPOSITION: July 13, 1950. Louis S. Behlman, Bronx, N. Y., 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. The rabbits, weighing a total of 11,862 pounds, were thawed and washed and the hair and fecal matter were thoroughly removed. As a result of this operation, a total of 872 pounds of the rabbits were found unfit and were denatured and given to a rendering company. The good portion, consisting of 10,990 pounds, was packed in 179 crates and frozen immediately.

16596. Adulteration of dressed poultry. U. S. v. 7 Crates, etc. (F. D. C. No. 29335. Sample Nos. 73116-K, 73117-K.)

LIBEL FILED: May 25, 1950, District of New Jersey.

ALLEGED SHIPMENT: On or about May 2 and 3, 1950, from Selbyville, Del., and New York, N. Y.

PRODUCT: 7 crates (400 pounds) of chickens and 10 crates (1,200 pounds) of turkeys in a storage warehouse, stored to the account of Armour & Co., Newark, N. J.

RESULTS OF INVESTIGATION: The product was stored in a rodent-infested establishment of Armour & Co., Newark, N. J., before being transferred to the warehouse.

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 rodent excreta and rodent-gnawed birds; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: June 30, 1950. Armour & Co., Chicago, Ill., 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 the segregation of the fit from the unfit portion, under the supervision of the Food and Drug Administration. Salvaging operations resulted in the release of three crates of turkeys, and the remainder was delivered to a rendering plant.

16597. Adulteration of dressed poultry. U. S. v. 15 Crates * * *. (F. D. C. No. 29316. Sample No. 73115-K.)

LIBEL FILED: May 31, 1950, Southern District of New York.

ALLEGED SHIPMENT: On or about April 27, 1950, by the Sussex Poultry Co., Milford, Del.

PRODUCT: 15 crates, containing approximately 1,031 pounds of dressed poultry at New York, 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 fecal and other extraneous matter, and of a decomposed substance by reason of the presence of decomposed birds; and, Section 402 (a) (5), the product was in whole or in part the product of a diseased animal.

DISPOSITION: July 27, 1950. The shipper, 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 the salvaging of the fit portion, under the supervision of the Food and Drug Administration. Salvaging opera-

tions resulted in the segregation of approximately 900 pounds of poultry which were fit for consumption. The remainder (131 pounds) was denatured and delivered to a fat rendering company.

MISCELLANEOUS FOODS

16598. Adulteration of fountain preparations (black walnut frappe, Coco-Pronto, crushed cherries, and walnut sundae). U. S. v. J. Hungerford Smith Co. Plea of nolo contendere. Fine, \$800. (F. D. C. No. 29168. Sample Nos. 2147-K, 14724-K, 68990-K, 69466-K, 77003-K.)

INFORMATION FILED: July 21, 1950, Western District of New York, against J. Hungerford Smith Co., a corporation, Rochester, N. Y.

ALLEGED SHIPMENT: On or about October 24 and December 27 and 28, 1949, and January 18, 1950, from the State of New York into the District of Columbia and the States of Indiana, Pennsylvania, and Missouri.

LABEL, IN PART: "J. Hungerford Smith's Cream-Pak Brand Black Walnut Frappe [or "Coco-Pronto for making Hot Cocoa," "Walnut Sundae," or "Crushed Cherries"] J. Hungerford Smith Co."

NATURE OF CHARGE: Adulteration, Section 402 (a) (4), the products had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: August 14, 1950. A plea of nolo contendere having been entered, the court fined the defendant \$800.

16599. Misbranding of gelatin dessert. U. S. v. 15 Cases * * *. (F. D. C. No. 29403. Sample No. 67510-K.)

LIBEL FILED: July 17, 1950, District of Maryland.

ALLEGED SHIPMENT: On or about May 29, 1950, by the Vernon Food Corp., from Mount Vernon, N. Y.

PRODUCT: 15 cases, each containing 48 3-ounce packages, of gelatin dessert at Baltimore, Md.

LABEL, IN PART: (Package) "Vitamin Enriched Tic Toc True Fruit Strictly Kosher Grape [or "Pineapple," "Raspberry," "Cherry," or "Strawberry"] Flavor Gelatin Dessert."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label designation "True Fruit Grape Flavor [or "Strawberry," "Cherry," "Raspberry," or "Pineapple"]," together with a vignette of bunches of grapes (or strawberries, cherries, raspberries, or pineapples) and the statements "The Flavor of the Fresh Fruit Itself * * * contains only true fruit flavors captured from the fresh fruit itself * * * Delicious as the fresh fruit itself," were false and misleading as applied to the article, which was artificially flavored; and the label statement "Vitamin Enriched" was false and misleading since it implied the addition of other vitamins than vitamin B₁.

Further misbranding, Section 403 (j), the article purported to be and was represented as a food for special dietary uses by reason of its vitamin content, and its label failed to bear as required by regulations a statement of the proportion of the minimum daily requirement for vitamin B₁ supplied by the article when consumed in a specified quantity during a period of one day.

DISPOSITION: August 15, 1950. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution.