

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 worms.

Misbranding, Sections 403 (e) (1) and (2), the product was food in package form, and it failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; and, Section 403 (i) (1), it failed to bear a label containing the common or usual name of the food.

DISPOSITION: June 29, 1951. Default decree of condemnation and destruction.

17590. Adulteration of peanut butter. U. S. v. Newark Packing Co., Inc., and Ewing Smith, George Gershuny, and Kenneth Partington. Pleas of guilty. Corporation fined \$1,000, imposition of sentence against individuals suspended. (F. D. C. No. 29635. Sample Nos. 56329-K, 57567-K.)

INFORMATION FILED: October 18, 1950, District of New Jersey, against Newark Packing Co., Inc., Newark, N. J., and Ewing Smith, president, George Gershuny, vice president, and Kenneth Partington, production manager.

ALLEGED SHIPMENT: On or about March 25 and April 19, 1950, from the State of New Jersey into the States of New York and Connecticut.

LABEL, IN PART: (Portion) "Aster Brand Peanut Butter."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of rodent hair fragments and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 20, 1951. Pleas of guilty having been entered, the corporation was fined \$1,000. Imposition of sentence was suspended as to the individual defendants.

17591. Adulteration of peanut butter. U. S. v. Millard United Co., a corporation, and Frederick Millard and Mathias J. Riedl. Pleas of guilty. Corporation and Defendant Millard each fined \$200 and Defendant Riedl fined \$100, together with costs. (F. D. C. No. 29645. Sample Nos. 59021-K, 75954-K.)

INFORMATION FILED: December 8, 1950, Northern District of Illinois, against the Millard United Co., Chicago, Ill., and Frederick Millard, president-treasurer, and Mathias J. Riedl, chief clerk and factory superintendent.

ALLEGED SHIPMENT: On or about May 4 and June 21, 1950, from the State of Illinois into the States of Wisconsin and Iowa.

LABEL, IN PART: "Brownie Brand Energized Peanut Butter" or "Peanut Butter Peanuts & Salt."

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

DISPOSITION: May 1, 1951. Pleas of guilty having been entered, the corporation and Defendant Millard were each fined \$200 and Defendant Riedl was fined \$100, together with costs.

POULTRY

17592. Adulteration of dressed poultry. U. S. v. 1,744 Pounds * * *. (F. D. C. No. 30848. Sample No. 24305-L.)

LABEL FILED: March 21, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about February 27, 1951, by the Delmarva Poultry Corp., from Milford, Del.

PRODUCT: 1,744 pounds of dressed poultry in 22 crates marked with grade designations and net weight at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part 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: April 10, 1951. Default decree of condemnation. The court ordered that samples be delivered to the Food and Drug Administration; that the Food and Drug Administration segregate the fit portion of the product from the unfit and permit the delivery of the fit portion to charitable institutions; and that the unfit portion be destroyed. Segregation operations resulted in the release of 1,000 pounds as good and the destruction of 700 pounds.

17593. Adulteration of dressed poultry. U. S. v. 444 Pounds * * *. (F. D. C. No. 30776. Sample No. 24301-L.)

LIBEL FILED: March 16, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about February 15, 1951, by Berry Brothers, from Morrill, Maine.

PRODUCT: 444 pounds of dressed poultry in 6 crates at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (5), the article was in whole or in part the product of diseased animals or of animals which had died otherwise than by slaughter.

DISPOSITION: April 10, 1951. Default decree of condemnation. The court ordered that samples of the product be delivered to the Food and Drug Administration; that the portion of the remainder that was not diseased and was fit for human consumption be segregated under the supervision of the Food and Drug Administration and delivered to local hospitals; and that the unfit portion be destroyed. Approximately 240 pounds of poultry were found to be passable and were delivered to the hospitals.

17594. Adulteration of dressed poultry. U. S. v. 404 Pounds * * *. (F. D. C. No. 30948. Sample No. 24328-L.)

LIBEL FILED: May 7, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about April 26, 1951, by Diamond State Poultry Co., Inc., from Lewes, Del.

PRODUCT: 404 pounds of dressed poultry in 5 crates marked with the grade and the net weight 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 birds which were contaminated with crop material and fecal matter; and, Section 402 (a) (5), it was in whole or in part the product of a diseased animal.

DISPOSITION: June 5, 1951. Default decree of condemnation. The court ordered that samples be delivered to the Food and Drug Administration and that the remainder be destroyed.

17595. Adulteration of dressed poultry. U. S. v. 127 Pounds * * *. (F. D. C. No. 30946. Sample No. 24327-L.)

LIBEL FILED: May 9, 1951, Southern District of New York.