

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 insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: March 20, 1952. Default decree of condemnation and destruction.

18793. Adulteration of cashew nuts. U. S. v. 150 Cases, etc. (and 2 other seizure actions). (F. D. C. Nos. 31517, 31819, 31824. Sample Nos. 27062-L, 27064-L, 27070-L, 27374-L to 27376-L, incl., 27379-L.)

LIBELS FILED: September 14, 19, and 26, 1951, Northern District of California.

ALLEGED SHIPMENT: On or about August 4 and 18, 1951, by the Aristocrat Nut Co., from New York, N. Y.

PRODUCT: 486 cases, each containing 2 25-pound cans, of cashew nuts at San Francisco, Calif., and 50 cases, each containing 2 25-pound cans, of the product at Oakland, Calif.

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.

DISPOSITION: October 2 and 18, 1951. The Aristocrat Nut Co., claimant, having consented to the entry of a decree, judgments of condemnation were entered and the court ordered that the product be released under bond, conditioned that it be brought into compliance with the law, under the supervision of the Food and Drug Administration. The cases were opened at San Francisco, and the nuts were fumigated and examined. Thirty-four cans of nuts were found in such poor condition that they were destroyed.

On or about November 29, 1951, pursuant to stipulation entered into between the Government and the claimant, the court entered orders modifying the decrees to permit shipment of the nuts to New York, N. Y., for salvage, and extending the time for performance. The product was salvaged by brushing and blowing, resulting in the elimination and destruction of 350 pounds of reject material.

18794. Adulteration of unshelled peanuts. U. S. v. 21 Bags * * *. (F. D. C. No. 32838. Sample No. 48598-L.)

LIBEL FILED: March 3, 1952, District of North Dakota.

ALLEGED SHIPMENT: On or about December 27, 1951, from Moorhead, Minn.

PRODUCT: 21 100-pound bags of unshelled peanuts at Fargo, N. Dak., in possession of the Nash-Finch Co.

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

DISPOSITION: May 22, 1952. Default decree of condemnation and destruction.

OLEOMARGARINE

18795. Adulteration and misbranding of oleomargarine. U. S. v. 148 Cases * * *. (F. D. C. No. 32973. Sample No. 6424-L.)

LIBEL FILED: March 21, 1952, District of Connecticut.

ALLEGED SHIPMENT: On or about January 30, 1952, by the Cudahy Packing Co., from Omaha, Nebr.

PRODUCT: 148 cases, each containing 24 1-pound packages, of oleomargine at Waterbury, Conn.

LABEL, IN PART: "Delrich E-Z Color Pak Vegetable Oleomargarine."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent fat had been substituted for oleomargarine.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for oleomargarine since it contained less than 80 percent fat.

DISPOSITION: July 9, 1952. The sole intervener having withdrawn its claim, judgment of condemnation was entered and the court ordered that the product be delivered to charitable institutions.

18796. Adulteration and misbranding of oleomargarine. U. S. v. 20 Cartons (1,280 pounds) * * *. (F. D. C. No. 31966. Sample No. 23941-L.)

LIBEL FILED: October 30, 1951, District of New Jersey.

ALLEGED SHIPMENT: On or about October 22, 1951, by Zimmer & Dunkak, from New York, N. Y.

PRODUCT: 20 cartons, each containing 64 pounds, of colored oleomargarine at Perth Amboy, N. J.

LABEL, IN PART: "Butter Bulk Tiger."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), colored oleomargarine had been substituted in whole or in part for butter.

Misbranding, Section 403 (a), the label designation "Butter" was false and misleading since the product was colored oleomargarine.

DISPOSITION: March 24, 1952. Default decree of condemnation. The court ordered that the product be delivered to charitable organizations after destruction of the labels.

POULTRY

18797. Adulteration of poultry. U. S. v. 5 Crates * * *. (F. D. C. No. 31338. Sample No. 24349-L.)

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

ALLEGED SHIPMENT: On or about June 30, 1951, by the Farmhouse Poultry Co., from Robbins, N. C.

PRODUCT: 5 crates each containing approximately 76 pounds of poultry at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the article contained an added poisonous or deleterious substance which is unsafe within the meaning of Section 406 of the Act. (Examination showed the presence of added diethylstilbestrol in edible portions of the birds.)

DISPOSITION: August 22, 1951. The Farmhouse Poultry 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, conditioned that the neck be removed from each of the birds and that each bird be eviscerated. The necks, neck skins, and viscera were delivered to a rendering plant.