

frigerators and to the machines for mixing and whipping from bulk such products as butter and oleomargarine; that in August and September 1951, the defendant purchased 4,400 empty, specially made, butter cartons which were delivered to the premises of the Temp-Tee Butter & Egg Co.; that in September 1951, the defendant sold 146 cartons, each containing 66 pounds, of colored oleomargarine or colored margarine which were invoiced by the defendant as "bulk butter"; that 146 of the above-mentioned 4,400 empty cartons were used in such transaction; that the product contained in the 146 cartons was found, upon analysis, to contain a mixture of butter and oleomargarine; that the defendant also sold, in September 1951, 188 cartons, each containing 66 pounds, of colored oleomargarine or colored margarine invoiced by the defendant as "bulk butter"; and that 188 of the above-mentioned 4,400 empty cartons were used for such transaction, and that the product contained in the 188 cartons consisted of a mixture of butter and oleomargarine.

**DISPOSITION:** January 31, 1952. The defendant having consented to the entry of a decree, the court entered a decree perpetually enjoining and restraining the defendant from directly, or indirectly, selling or offering for sale colored oleomargarine or colored margarine without clear identification as such, or which was otherwise in violation of Section 301 (m).

## POULTRY

**19893. Adulteration of dressed poultry. U. S. v. Cavalier Poultry Corp. Plea of guilty. Fine of \$100 on each of first 4 counts of information; defendant placed on probation for 1 year on count 5. Probation subsequently revoked and defendant fined \$1,000 on count 5. (F. D. C. No. 32821. Sample Nos. 24330-L, 24331-L, 38296-L, 49491-L, 49492-L.)**

**INFORMATION FILED:** September 30, 1952, Western District of Virginia, against the Cavalier Poultry Corp., Harrisonburg, Va.

**ALLEGED SHIPMENT:** Between the approximate dates of May 14, 1951, and April 24, 1952, from the State of Virginia into the State of New York.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of fecal and crop material on the flesh of the poultry, and of a decomposed substance by reason of the presence of rotten poultry; and, Section 402 (a) (5), the article was in part the product of a diseased animal since the poultry was affected with peritonitis, ascites, arthritis, tumors, ulcers, salpingitis, dermatitis, emaciation, vent gleet, bruises, and blackhead.

**DISPOSITION:** October 20, 1952. A plea of guilty having been entered the court fined the defendant \$100 on each of the first 4 counts of the information, a total of \$400, and placed it on probation for 1 year on count 5.

Evidence subsequently was obtained that the defendant made an interstate shipment of filthy and diseased poultry on November 18, 1952, and, accordingly, proceedings were initiated to revoke the probation. On March 9, 1953, following the defendant's plea of guilty to the charge of violating the terms of probation, the court ordered that the probation be revoked and imposed a fine of \$1,000 against the defendant on count 5 of the original information.