

DISPOSITION: May 6, 1953. Pleas of not guilty having been entered, the case came on for trial before the court without a jury, and at its conclusion, the court returned a verdict of guilty against the corporation and a verdict of not guilty against the individual. The court imposed a fine of \$1,000, plus costs, against the corporation.

20314. Action to enjoin and restrain the doing of certain acts resulting in the adulteration of articles of food after shipment in interstate commerce. U. S. v. Casaus Bros. Food Brokers and Victor L. de Casaus. Temporary restraining order and preliminary injunction entered. Preliminary injunction and complaint for injunction subsequently dismissed. (Inj. No. 250.)

COMPLAINT FILED: June 27, 1952, Southern District of California, against Casaus Bros. Food Brokers, a partnership, Los Angeles, Calif., and Victor L. de Casaus, a partner in the partnership. The parties were engaged in storing and selling various products, such as rice, beans, chili peppers, peas, and corn.

NATURE OF CHARGE: The defendants had been and were, at the time of the filing of the complaint, placing and causing to be placed in a building infested with rodents and insects and exposing and causing to be exposed to contamination by rodents and insects the above-mentioned products while they were held for sale after shipment in interstate commerce. These acts of the defendants resulted in the products being adulterated within the meaning of Section 402 (a) (3), in that the products consisted in part of filthy substances by reason of the presence of rodent and insect filth; and, Section 402 (a) (4), in that the products were held under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: On June 27, 1952, a temporary restraining order was entered by which the defendants were temporarily restrained and enjoined from doing any act or causing any act to be done with respect to any article of food while held for sale after shipment in interstate commerce, which would result in such article being adulterated within the meaning of Section 402 (a) (3) and (4).

Pursuant to stipulation of the parties, an order was entered on July 2, 1952, extending the period in which the temporary restraining order should continue in effect.

On July 16, 1952, with the consent of the defendants, an order was entered granting a preliminary injunction by which the defendants were enjoined and restrained from doing the acts complained of during the pendency of the action.

On October 16, 1953, the court having been advised that the preliminary injunction had served its purpose in effecting compliance with the Act, an order was entered dissolving the preliminary injunction and dismissing the complaint for injunction without prejudice.

20315. Adulteration of wheat. U. S. v. 120,600 Pounds * * *. (F. D. C. No. 34768. Sample No. 20546-L.)

LABEL FILED: March 21, 1953, District of Minnesota.

ALLEGED SHIPMENT: On or about February 24, 1953, by the Occident Elevator, from Conrad, Mont.

PRODUCT: 120,600 pounds of wheat at Minneapolis, Minn.

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the article contained an added poisonous and deleterious substance, a mercurial compound, which is

~~unsafe within the meaning of the law since it is a substance not required in the production of the article and can be avoided by good manufacturing practice.~~

DISPOSITION: April 3, 1953. The Farmers Union Grain Terminal Association, St. Paul, Minn., 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 reprocessing by scouring under the supervision of the Federal Security Agency. As a result of the reprocessing operations, 2,950 pounds of the product were found unfit and were destroyed.

20316 Adulteration of wheat. U. S. v. 1,600 Bushels * * *. (F. D. C. No. 34523. Sample No. 20375-L.)

LIBEL FILED: January 3, 1953, District of Minnesota.

ALLEGED SHIPMENT: On or about December 9, 1952, by the Farmers Grain & Fuel Co., from Claire City, S. Dak.

PRODUCT: 1,600 bushels of wheat at Minneapolis, Minn.

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 pellets.

DISPOSITION: May 12, 1953. The Farmers Union Grain Terminal Association, St. Paul, Minn., 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 reprocessing by cleaning and scouring under the supervision of the Department of Health, Education, and Welfare. As a result of the reprocessing operations, 5,510 pounds of the product were found unfit.

DAIRY PRODUCTS

BUTTER

20317. Adulteration of butter, U. S. v. 16 Boxes (960 pounds) * * *. (F. D. C. No. 34169. Sample No. 20482-L.)

LIBEL FILED: May 1, 1952, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about April 22, 1953, by the Spring Hill Creamery Co., from Melrose, Minn.

PRODUCT: 16 60-pound boxes of butter at Philadelphia, Pa.

LABEL, IN PART: "Distributed By C. W. Dunnet & Co. Phila. Pa."

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

DISPOSITION: May 12, 1953. C. W. Dunnet & 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 for reworking under the supervision of the Department of Health, Education, and Welfare.

20318. Adulteration of butter. U. S. v. 28 Cubes (1,904 pounds) * * *. (F. D. C. No. 34171. Sample No. 43680-L.)

LIBEL FILED: May 6, 1953, Northern District of California.

ALLEGED SHIPMENT: On or about April 25, 1953, by the Reedsport Creamery, from Reedsport, Oreg.

PRODUCT: 28 68-pound cubes of butter at San Francisco, Calif.

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