

20646. Adulteration of dressed poultry. U. S. v. Ace Poultry Co., Inc., and Ross J. Cardinal. Pleas of guilty. Fine of \$50 against each defendant. (F. D. C. No. 33856. Sample Nos. 26320-L, 26321-L.)

INFORMATION FILED: March 11, 1953, District of Delaware, against Ace Poultry Co., Inc., Wilmington, Del., and Ross J. Cardinal, secretary-treasurer of the corporation.

ALLEGED SHIPMENT: On or about July 22 and 23, 1952, from the State of Delaware into the States of Pennsylvania and New Jersey.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a decomposed substance by reason of the presence of decomposed poultry; and, Section 402 (a) (5), the article was in part the product of a diseased animal, namely, diseased poultry, and in part the product of an animal, namely, poultry, which had died otherwise than by slaughter.

DISPOSITION: December 2, 1953. The defendants having entered pleas of guilty, the court fined each defendant \$50.

20647. Misbranding of canned spaghetti and chicken livers. U. S. v. 9 Cases \* \* \*. (F. D. C. No. 34715. Sample No. 19673-L.)

LABEL FILED: February 20, 1953, District of Minnesota.

ALLEGED SHIPMENT: On or about November 3, 1952, by the Badger Fruit & Extract Co., from Kenosha, Wis.

PRODUCT: 9 cases, each containing 12 cans, of spaghetti and chicken livers at St. Paul, Minn.

LABEL, IN PART: (Can) "Net Weight 3 Lbs. 4 Ozs. Cloverblossom \* \* \* Spaghetti & Chicken Livers."

NATURE OF CHARGE: Misbranding, Section 403 (a), the name "Spaghetti & Chicken Livers" was false and misleading as applied to the article, which contained chicken organs which were not livers; and, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents since the label statement "Net Weight 3 Lbs. 4 Ozs." was inaccurate. (The article was short weight.)

DISPOSITION: June 19, 1953. Default decree of condemnation. The court ordered that the product be turned over to a charitable institution.

## VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE

20648. Adulteration and misbranding of Savita and wheat germ. U. S. v. Battle Creek Food Co. Plea of nolo contendere. Fine, \$1,000. (F. D. C. No. 33736. Sample Nos. 10546-L, 10548-L.)

INFORMATION FILED: December 5, 1952, Eastern District of Michigan, against the Battle Creek Food Co., a corporation, Battle Creek, Mich.

ALLEGED SHIPMENT: On or about March 5, 1952, from the State of Michigan into the State of Illinois.

LABEL, IN PART: "Battle Creek Savita" and "Battle Creek Wheat Germ."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents had been in part omitted from the articles, namely, vitamin B<sub>1</sub> and iron from the Savita and vitamin B<sub>1</sub> and vitamin B<sub>2</sub> from the wheat germ.

Misbranding, Section 403 (a), certain statements on the labels of the articles were false and misleading. The label of the Savita represented and