

NATURE OF CHARGE: Adulteration, Section 402 (a) (1), the article contained an added poisonous and deleterious substance, lead, which may have rendered the article injurious to health; and, Section 402 (a) (2), the article contained an added poisonous and deleterious substance, lead, 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: February 15, 1954. Machado & Co., New York, N. Y., 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 reconditioning under the supervision of the Department of Health, Education, and Welfare. As a result of the reconditioning operations, 128 bags of the product were found unfit and were destroyed.

21455. Adulteration of unroasted coffee beans. U. S. v. 80 Bags * * *. (F. D. C. No. 35478. Sample No. 55486-L.)

LIBEL FILED: September 11, 1953, Northern District of New York.

ALLEGED SHIPMENT: On or about July 27, 1953, from Brazil.

PRODUCT: 80 120-pound bags of unroasted coffee beans at Albany, N. Y.

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 excreta and insect-infested coffee beans. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: October 19, 1953. Bacon, Stickney & Co., Inc., Albany, N. Y., claimant, having consented to the entry of a decree, judgment was entered ordering that the product be released under bond to be brought into compliance with the law, under the supervision of the Department of Health, Education, and Welfare. The product was reconditioned, with the result that 224 pounds of the product were found unfit and were destroyed.

21456. Adulteration of tea. U. S. v. 32 Cases * * *. (F. D. C. No. 36751. Sample No. 67334-L.)

LIBEL FILED: May 28, 1954, Southern District of Alabama.

ALLEGED SHIPMENT: On or about January 1, 1953, from Galveston, Tex.

PRODUCT: Tea. 32 cases, each containing 12 packages and each package containing 100 tea bags, at Mobile, Ala.

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

DISPOSITION: July 23, 1954. Default decree of condemnation. Since it appeared that certain portions of the product were fit for human consumption, the court ordered that the good portions be delivered to a charitable institution and that the unfit portion be destroyed. 202 of the 216 packages of tea actually seized were found to be fit and were delivered to a charitable institution, and the 14 packages of tea found to be unfit were destroyed.