

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article was unfit for food by reason of the presence of extensively bruised birds; and, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal.

DISPOSITION: May 17, 1954. Default decree of condemnation. The court ordered that a portion of the product be delivered to the Food and Drug Administration and that the remainder be destroyed.

21591. Adulteration of dressed poultry. U. S. v. 3 Crates * * *. (F. D. C. No. 36425. Sample No. 51945-L.)

LIBEL FILED: On or about March 17, 1954, District of New Jersey.

ALLEGED SHIPMENT: On or about February 16, 1954, by Caroline Poultry Farms, Inc., from Federalsburg, Md.

PRODUCT: 3 crates of dressed poultry at Newark, N. J.

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 birds which were contaminated with fecal matter and crop material, and it was otherwise unfit for food by reason of the presence of extensively bruised birds; and, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal.

DISPOSITION: Caroline Poultry Farms, Inc., filed an answer denying that the poultry was contaminated with fecal matter and crop material or was unfit for food, or that there were extensively bruised birds contained in the shipment, but admitting that the poultry had been shipped as alleged in the libel and that it was diseased. In view of these admissions by the claimant, a motion for summary judgment was submitted by the Government on the ground that there was no genuine issue as to any material fact precluding judgment for the Government as a matter of law. The claimant failed to file any answer to this motion; and, accordingly, on June 29, 1954, the court granted the motion and ordered that a portion of the product be delivered to the Food and Drug Administration and that the remainder be destroyed.

21592. Adulteration of dressed turkeys. U. S. v. 9 Crates * * *. (F. D. C. No. 36423. Sample No. 51944-L.)

LIBEL FILED: April 7, 1954, Southern District of New York.

ALLEGED SHIPMENT: On or about February 16, 1954, by Quality Belts, Inc., from Smyrna, Del.

PRODUCT: 9 crates of dressed turkeys at New York, 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 dirty birds, and it was otherwise unfit for food by reason of the presence of extensively bruised birds; and, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal.

DISPOSITION: July 1, 1954. Default decree of condemnation and destruction.

SPICES, FLAVORS, AND SEASONING MATERIALS

21593. Adulteration of coriander seed. U. S. v. 6 Bags * * *. (F. D. C. No. 36912. Sample No. 42709-L.)

LIBEL FILED: August 6, 1954, Northern District of California.