

the court had neither passed upon the allegations of the libel nor upon the contentions of the claimant with respect thereto, and that the order was without prejudice to these allegations and contentions.

23402. Canned boysenberry Nectarade. (F. D. C. No. 39268. S. No. 16-396 M.)

QUANTITY: 29 cases, 24 12-oz. cans each, at Seattle, Wash.

SHIPPED: 1-2-52, from Salem, Oreg.

RESULTS OF INVESTIGATION: Examination showed that the article was undergoing chemical decomposition.

LIBELED: 6-13-56, W. Dist. Wash.

CHARGE: 402 (a) (3)—contained a decomposed substance while held for sale.

DISPOSITION: 8-13-56. Default—destruction.

23403. Green coffee. (F. D. C. No. 38758. S. No. 11-510 M.)

QUANTITY: 41 bags at New Orleans, La.

SHIPPED: 10-6-55, from Vera Cruz, Mexico, by Casa Zardin S. A.

LABEL IN PART: (Bag) "Cafe Casa Zardin S. A. 16 de Septiembre No. 28
70 Kilos Product of Mexico."

LIBELED: 11-15-55, E. Dist. La.

CHARGE: 402 (a) (2)—the article was a raw agricultural commodity and contained, when shipped, a pesticide chemical, namely, benzene hexachloride, which is unsafe within the meaning of the law since no tolerance or exemption from the requirement of a tolerance for such pesticide chemical on coffee has been prescribed by regulations.

DISPOSITION: 1-4-56. Consent—claimed by Hamburg American Line. 5,099 lbs. of coffee of the 6,232 lbs. actually seized was released as fit for food use after reconditioning by a burnishing and roasting operation.

CEREALS AND CEREAL PRODUCTS

BAKERY PRODUCTS

23404. Bakery products. (Inj. No. 212.)

COMPLAINT FOR INJUNCTION FILED: Between 5-18-49 and 7-1-49, E. Dist. Tenn., against the Chattanooga Bakery, Inc., Chattanooga, Tenn., and David A. Parks, president of the corporation.

CHARGE: The complaint alleged that the defendants, since about the year 1939, had been engaged in the manufacture of crackers and cookies and, since about the year 1945, had been introducing into interstate commerce such articles, which were adulterated as follows:

402 (a) (3)—the articles contained insect fragments, insect setae, adult insects, rodent hair fragments, hairs resembling rodent hairs, fly setae, rodent excreta pellets, and other filth; and 402 (a) (4)—the articles had been prepared and held under insanitary conditions at the defendants' Chattanooga plant.

DISPOSITION: The defendants filed an answer to the complaint on 7-1-49, denying that the products were adulterated. The matter came on for hearing on the motion for a preliminary injunction; and, on 11-10-49, the court handed down the following opinion: