2057. Adulteration and misbranding of potatoes. U. S. v. 180 Sacks of Potatoes. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 3699. Sample No. 32664-E.)

This product fell below the standard for U. S. No. 1 grade potatoes because of excessive defects.

On January 24, 1941, the United States attorney for the Western District of Texas filed a libel against 180 sacks of potatoes at Austin, Tex., which had been consigned by V. L. Adams, Wabuska, Nev., alleging that the article had been shipped on or about January 4, 1941, from Wabuska, Nev.; and charging that it was adulterated and misbranded. It was labeled in part: "U. S. No. 1 Sound State Potatoes."

The article was alleged to be adulterated in that potatoes below U. S. No. 1 grade had been substituted wholly or in part for U. S. No. 1 potatoes. It was alleged to be misbranded in that the statement "U. S. No. 1" was false and misleading.

On January 30, 1941, J. Craig Allen, Dallas, Tex., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

MEAT PRODUCTS

POULTRY

2058. Adulteration of poultry. U. S. v. Anamosa Poultry & Egg Co., Inc. Plea of guilty. Fine, $100 and costs. (F. D. C. Nos. 2964, 4142. Sample Nos. 34476-E, 46656-E to 46658-E, incl., 46661-E, 46664-E to 46666-E, incl., 46668-E, 46672-E to 46674-E, incl.)

Examination of this product disclosed the presence of emaciated and diseased poultry.

On June 19, 1941, the United States attorney for the Northern District of Iowa filed an information against the Anamosa Poultry & Egg Co., Inc., Anamosa, Iowa, alleging shipment within the period from on or about November 11 to on or about December 18, 1940, from the State of Iowa into the State of New York of quantities of poultry that was adulterated in that it was in whole or in part a product of diseased animals, namely, diseased poultry. The article was labeled in part: "Anamosa Fowl Poultry" or "Poultry Fowls."

On June 19, 1941, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $100 and costs.

2059. Adulteration of poultry. U. S. v. H & H Poultry Co., Inc., Homer Pepper, Samuel Sahn, and Helen West. Pleas of guilty. Corporation fined $500; each of the individual defendants fined $100. (F. D. C. No. 2839. Sample Nos. 10403-E, 10496-E.)

This product consisted in part of poultry which was diseased at the time of slaughter or which had died otherwise than by slaughter.

On September 23, 1940, the grand jurors in and for the District of Delaware returned an indictment in 14 counts against the H & H Poultry Co., Inc., Selbyville, Del., and Homer Pepper, Samuel Sahn, and Helen West, alleging that on or about March 4 and April 9, 1940, the defendants transported from Selbyville, Del., to New York, N. Y., quantities of poultry which was adulterated.

Count 2 of the indictment charged that the poultry shipped March 4, 1940, was adulterated in that it was unfit for food. Count 11 of the indictment charged that the poultry shipped April 9, 1940, was adulterated in that it was in whole or in part the product of diseased animals which had died otherwise than by slaughter.

On January 13, 1941, a plea of guilty having been entered by the corporation to the second and eleventh counts of the indictment and pleas of guilty having been entered by the three individuals to the second count, the court sentenced the corporation to pay a fine of $500 and sentenced each of the individual defendants to pay a fine of $100. The remaining counts were nolle prossed.

Nos. 2060 to 2063 report actions based on the shipment of poultry that was in whole or in part the product of diseased birds.

2060. Adulteration of poultry. U. S. v. Wilson & Co. Plea of nolo contendere. Fine, $50 and costs. (F. D. C. No. 4110. Sample No. 46006-E.)

On May 16, 1941, the United States attorney for the Southern District of Iowa filed a libel against Wilson & Co., a corporation at Ottumwa, Iowa,