

POULTRY

Nos. 2490 to 2495 report the institution of criminal proceedings and the judgments entered, in actions based on interstate shipment of poultry that was in whole or in part the product of diseased birds.

2490. Adulteration of poultry. U. S. v. Litchfield Produce Co. Plea of guilty. Fine, \$200. (F. D. C. No. 4197. Sample Nos. 56189-E to 56195-E, incl.)

Examination showed the presence of diseased poultry in this shipment.

On November 10, 1941, the United States attorney for the District of Minnesota filed an information against the Litchfield Produce Co., a corporation, Litchfield, Minn., alleging shipment on or about December 24, 1940, from the State of Minnesota into the State of New York of a quantity of poultry that was adulterated in that it was in whole or in part the product of diseased animals, namely, diseased poultry. It was labeled in part: "Choice Brand Poultry Roasting [or "Frying"] Chickens."

On November 10, 1941, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$200.

2491. Adulteration of poultry. U. S. v. Nevada Poultry Co., Inc. Plea of guilty. Fine, \$50. (F. D. C. No. 4156. Sample Nos. 34479-E, 56217-E, 56218-E, 56219-E.)

On November 28, 1941, the United States attorney for the Southern District of Iowa filed an information against the Nevada Poultry Co., Inc., Nevada, Iowa, alleging shipment on or about November 29 and December 27, 1940, from the State of Iowa into the State of New York, of quantities of poultry which was adulterated in that it was in whole or in part the product of diseased animals, namely, diseased poultry. The article was labeled in part: "Choice Brand Poultry * * * Wilson & Company, Distributors."

On December 6, 1941, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$50 and costs.

2492. Adulteration of poultry. U. S. v. Anton N. Nielson (Rugby Creamery). Plea of guilty. Fine, \$55. (F. D. C. No. 4195. Sample Nos. 34975-E, 46075-E, 46076-E, 46077-E, 46079-E, 46081-E, 46083-E, 46327-E, 46330-E, 46332-E, 46333-E, 46796-E, 46798-E, 46883-E, 46885-E, 46891-E, 46894-E, 46896-E, 46900-E.)

On October 8, 1941, the United States attorney for the District of North Dakota filed an information against Anton N. Nielson, trading as Rugby Creamery, Rugby, N. Dak., alleging shipment within the period from on or about October 16 to on or about November 30, 1940, from the State of North Dakota into the State of New York of quantities of poultry which was adulterated in that it was in whole or in part the product of diseased animals, namely, diseased poultry. Portions of the article were labeled in part: "Pleasant Dale Milk Fed Poultry."

On October 30, 1941, the defendant having entered a plea of guilty, the court imposed a fine of \$55.

2493. Adulteration of turkeys. U. S. v. Herman L. Hollar (Valley Produce Co.). Plea of guilty. Fine, \$50 and costs. (F. D. C. No. 2944. Sample No. 34474-E.)

Examination of this product showed the presence of emaciated and diseased turkeys.

On April 17, 1941, the United States attorney for the Western District of Virginia filed an information against Herman L. Hollar, trading as the Valley Produce Co., Timberville, Va., alleging shipment on or about November 6, 1940, from the State of Virginia into the State of New York of a quantity of poultry which was adulterated in that it was in whole or in part the product of diseased animals, namely, diseased turkeys.

On October 27, 1941, a plea of guilty was entered by the defendant and the court imposed a fine of \$50 and costs.

2494. Adulteration of poultry. U. S. v. Sherman White & Co. Plea of guilty. Fine, \$100 and costs. (F. D. C. No. 4189. Sample No. 31245-E.)

On August 26, 1941, the United States attorney for the Northern District of Indiana filed an information against Sherman White & Co., a corporation, Fort Wayne, Ind., alleging shipment on or about July 23, 1940, from the State of Indiana into the State of Illinois of a quantity of poultry which was adulterated in

that it was in whole or in part the product of diseased animals, namely, diseased poultry.

On December 1, 1941, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$100 and costs.

2495. Adulteration of poultry. U. S. v. 22 and 15 Boxes of Poultry. Default decree of condemnation and destruction. (F. D. C. No. 5770. Sample Nos. 69514-E, 69515-E.)

Examination showed the presence of diseased and decomposed poultry in one lot of this product and of decomposed poultry in the other.

On September 22, 1941, the United States attorney for the Southern District of New York filed a libel against 37 boxes containing a total of 616 pounds of poultry at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 16, 1941, by the Decorah Produce Co. from Decorah, Iowa; and charging that it was adulterated. It was labeled in part: "Wapsie Valley Fancy [or "Elmore Milk Fed"] Broilers."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed substance. One lot was alleged to be adulterated further in that it was in whole or in part the product of diseased animals.

On October 21, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

NUTS AND NUT PRODUCTS

Nos. 2496 to 2499 report actions based on interstate shipment of pecans that were contaminated with *Escherichia coli*.

2496. Adulteration of pecans. U. S. v. Peter Aquilina (Pendola Nut Co.). Plea of guilty. Fine, \$150 and costs. (F. D. C. No. 4152. Sample No. 29532-E.)

On July 11, 1941, the United States attorney for the Northern District of Illinois filed an information against Peter Aquilina, trading as Pendola Nut Co. at Chicago, Ill., alleging shipment on or about January 30, 1941, from the State of Illinois into the State of Indiana of a quantity of pecans which were adulterated. The article was labeled in part: "Morrow's Nut House Indianapolis, Ind. Pecan 1/2."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared and packed under insanitary conditions whereby it might have become contaminated with filth.

On October 15, 1941, a plea of guilty having been entered by the defendant, the court imposed a fine of \$150 and costs.

2497. Adulteration of pecans. U. S. v. 9 Cartons and 8 Cartons of Shelled Pecans. Consent decree of condemnation. Product ordered released under bond to be disposed of in compliance with the law. (F. D. C. No. 3940. Sample Nos. 29447-E, 29449-E.)

On March 10, 1941, the United States attorney for the Northern District of Ohio filed a libel (amended on or about May 17, 1941) against 17 cartons of shelled pecans at Toledo, Ohio, alleging that the article had been shipped in interstate commerce on or about December 31, 1940, and on or about February 3, 1941, by Acker Pecan Products Co. from Albany, Ga.; and charging that it was adulterated in that it consisted in part of a filthy substance.

On or about November 4, 1941, Acker Pecan Products Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration.

2498. Adulteration of pecan meats. U. S. v. 21 Cases of Pecan Meats. Default decree of condemnation and destruction. (F. D. C. No. 4961. Sample No. 57263-E.)

On June 23, 1941, the United States attorney for the Eastern District of Illinois filed a libel against 21 cases of pecan meats at Champaign, Ill., alleging that the article had been shipped in interstate commerce on or about April 19 and 29, 1941, by the Gulf Pecan Co. from Mobile, Ala.; and charging that it was adulterated in that it was contaminated with filth. The article was labeled in part: "500-600 Halves 60 Lbs. Net Pecan Meats."

On July 24, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.