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 ½."

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.