5753. Adulteration of frozen coconut. U. S. v. 586 Cans and 224 Cans of Frozen Coconut (and 3 other seizure actions against frozen coconut). Decrees of condemnation. Portion of product ordered destroyed and remainder released under bond for reprocessing. (F. D. C. Nos. 10261, 10306, 10433, 10436. Sample Nos. 20658–F, 20659–F, 35157–F, 35158–F, 35162–F, 38822–F.)

Examination showed that this product was sour.

Between July 15 and August 20, 1943, the United States attorneys for the Northern and Middle Districts of Georgia, the Northern District of Illinois, and the District of Massachusetts filed libels against the following quantities of frozen coconut: 810 cans at Atlanta, Ga., 1,022 cans at Columbus, Ga., 550 cans at Chicago, Ill., and 600 cans and 98 cartons at Boston, Mass., alleging that the article had been shipped within the period from on or about April 24 to June 26, 1943, from Lakeland, Fla., by the Trade Wind Foods, Inc.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Trade Wind Brand Unsweetened Shredded Natural Quick Frozen Cocoanut [or "Trade Wind Unsweetened * * * Cocoanut"]," "Trade Wind Brand * * * Grated * * * Frozen Cocoanut Buffed," or (cartons) "Monogram Brand Unsweetened Buffed Quick Frozen Cocoanut The Hills Bros. Co., New York, N. Y."

On October 11, 1943, no claimant having appeared for the lot at Chicago, judgment of condemnation was entered and it was ordered destroyed. On December 18 and 29, 1943, and January 20, 1944, Trade Wind Foods, Inc., claimant, having admitted the allegations of the libels against the remainder of the product, judgments of condemnation were entered and the product was ordered released under bond for reprocessing by drying and heating under the supervision of the Food and Drug Administration.

SPICES AND SEASONING

5754. Adulteration of ginger. U. S. v. 68 Bags of Ginger. Consent decree of condemnation. Product ordered released under bond, the unfit portion to be segregated and cleaned or distilled. (F. D. C. No. 10924. Sample No. 56085–F.)

Examination showed that this product was insect-infested, as evidenced by worm holes and excreta.

On October 11, 1943, the United States attorney for the Southern District of New York filed a libel against 68 bags, each containing 112 pounds, of ginger at New York, N. Y., alleging that the article had been shipped on or about April 22, 1942, by Madhavji Vishham & Co., from Karachi, India; and charging that it was adulterated in that it consisted in whole or in part of filthy substances. The article was labeled in part: (Bags, stenciled) "Produce of British India."

On November 18, 1943, Philip Kachurin, New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and cleaned or distilled under the supervision of the Food and Drug Administration.

5755. Adulteration of ginger root. U. S. v. 10 Barrels of Ginger Root. Consent decree of condemnation. Product ordered released under bond to be brought into compliance with the law. (F. D. C. No. 10937. Sample No. 56086–F.)

On or about October 15, 1943, the United States attorney for the Southern District of New York filed a libel against 10 barrels of ginger root at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 16, 1943, by D. C. Andrews & Co., New Orleans, La.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance because of the presence of beetles, cocoons, webbing, and insect excreta.

On November 13, 1943, the Otto Gerdau Co., New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reconditioned so as to comply with the law, under the supervision of the Food and Drug Administration. The product was brought into compliance with the law by segregating and destroying the unfit portion.

5756. Adulteration of ground mustard. U. S. v. 1 Barrel of Ground Mustard. Default decree of condemnation and destruction. (F. D. C. No. 10729. Sample No. 55404–F.)

On September 23, 1943, the United States attorney for the Western District of Washington filed a libel against 1 barrel containing approximately 100 pounds

of ground mustard at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about January 5, 1943, from San Francisco, Calif., by D. Ghirardelli & Co.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance by reason of the presence therein of beetles. The article was labeled in part: "Superfine Mustard."

On January 27, 1944, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5757. Adulteration of paprika. U. S. v. 9 Bags, 3 Bags, and 82 Bags of Paprika. Default decrees of condemnation and destruction. (F. D. C. Nos. 11012, 11013. Sample Nos. 56089–F to 56091–F, incl.)

On or about November 1, 1943, the United States attorney for the Southern District of New York filed libels against 94 bags of paprika at New York, N. Y., alleging that the article had entered the United States on or about April 2 and July 1, 1942, having been shipped from Portugal by Sociedade Fabril de Pimentao Lda, Chanca, Portugal; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance because of the presence of insects, larvae, insect fragments, insect excreta, and webbing.

On November 22 and December 7, 1943, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

5758. Misbranding of seasoning powder. U. S. v. 12 Cases of Seasoning Powder. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 10754. Sample No. 45023–F.)

Analysis showed that this product consisted essentially of salt and cornstarch, with about 20 percent of sodium glutamate, a vegetable protein derivative.

On or about September 16, 1943, the United States attorney for the District of Connecticut filed a libel against 12 cases, each containing 2 jars, of seasoning powder at Bristol, Conn., alleging that the article was shipped in interstate commerce on or about June 16, 1943, by the Pro-Tee Laboratories, Inc., Brooklyn, N. Y.; and charging that it was misbranded in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient. The article was labeled in part: (Jars) "Wei-Jin Seasoning Powder."

On November 12, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

MISCELLANEOUS FOODS

5759. Action to enjoin and restrain interstate shipments of Mrs. Price's Compound, Mrs. Price's Specially Prepared Package of Boric Acid, and Price's No Ice. U. S. v. Metta T. Price (Price Compound Co.). Permanent injunction granted. (Inj. No. 57.)

On June 21, 1943, the United States attorney for the District of Minnesota filed a complaint for the purpose of enjoining Meta T. Price, doing business as the Price Compound Co., Minneapolis, Minn., from the sale and distribution of the above-named products offered for use in home canning and food preservation. The principal allegations of the complaint were substantially sustained by the findings of fact and conclusions of law set forth hereinafter.

On June 28, 1943, based on the written stipulation of the defendant, the court entered the following findings of fact and conclusions of law:

FINDINGS OF FACT

I

"Plaintiff brings this action for the purpose of enjoining the defendant from violating the provisions of Section 301 (a) of the Federal Food, Drug and Cosmetic Act (Act June 25, 1938, c. 675, 50 Stat. 1040; Title 21 U. S. C., Section 301 et seq.) hereinafter called 'The Act.'

II

"The defendant, Metta T. Price, resides in the City of Minneapolis, County of Hennepin, State of Minnesota, and within the jurisdiction of this Court, and at all times since about 1937 has been the sole owner and operator of a place of business in said City of Minneapolis, aforesaid, where she is engaged and has been