denatured for use as animal food, or cleaned and otherwise reconditioned so as to be in compliance with the law.

An order to show cause why a preliminary injunction should not issue was also entered against the defendants on 6–12–58, with a hearing set for 6–20–58. Thereafter, by stipulation of the parties, the temporary restraining order was extended to 7–3–58, and the hearing set for that date upon the prayer for preliminary injunction and prayer for permanent injunction. It was also stipulated that the 108 uncoded cases of poultry be examined by the Food and Drug Administration and the unfit portion destroyed. On 7–1–58, such poultry was segregated, resulting in the destruction of 60 full cases and parts of 5 cases.

The hearing on the injunction began on 7–3–58, but was not completed. Instead an agreement was reached by the parties to enter into a stipulation that the hearing be continued to 1–15–59, unless application should be made by either party for resumption of trial prior to that date and if no application be made on or before 1–15–59, a stipulation of dismissal be entered; and that the temporary restraining order should be continued in effect against Eagle Poultry Co., Inc., and Eagle Poultry Packers, Inc., until the further order of the court or until the stipulation of dismissal was entered into. On 1–29–59, pursuant to the stipulation of the parties, an order of dismissal was entered by the court.

29077. Canned chicken. (F.D.C. No. 49284. S. No. 27–933 X.)

QUANTITY: 21 cases, each containing 12 3-lb. 4-oz. cans, at Davenport, Iowa.

SHIPPED: 2–21–63, from Quincy, Ill.

LIBELED: 8–26–63, S. Dist. Iowa.

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

DISPOSITION: 9–4–63. Consent—destruction.

29078. Canned chicken. (F.D.C. No. 49305. S. No. 26–669 X.)

QUANTITY: 480 3-lb. 4-oz. cans, at Toledo, Ohio.

SHIPPED: 3–18–63, from Quincy, Ill.

LIBELED: 9–11–63, N. Dist. Ohio.

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

DISPOSITION: 10–10–63. Default—destruction.

29079. Frozen chicken. (F.D.C. No. 49312. S. No. 46–421 X.)

QUANTITY: 312 boxes, containing a total of 13,165 lbs., at Springfield, Ill.

SHIPPED: On an unknown date, from Nacogdoches, Tex., by HLH Products Co.

LABEL IN PART: (Box) "HLH Fowl without Giblets * * * Packed by HLH Products General Office Dallas, Texas."

LIBELED: 9–11–63, S. Dist. Ill.

CHARGE: 402(a)(3)—contained decomposed chickens when shipped.

DISPOSITION: 10–3–63. Default—destruction.

29080. Canned chicken breasts and canned turkey breasts. (F.D.C. No. 48671. S. Nos. 9–159/66, 10–841/2 T.)

QUANTITY: 2,597 1-lb. 8-oz. cans of chicken, and 2,636 1-lb. 8-oz. cans of turkey, at Murrysville, Pa.

SHIPPED: 9–4–62 and 9–17–62, from Chicago, Ill.

LIBELED: 1-14-63, W. Dist. Pa.

CHARGE: 402(a)(3)—contained decomposed chicken or turkey meat while held for sale.

DISPOSITION: 2-5-63. Default—destruction.

29081. Canned turkey breasts. (F.D.C. No. 48682. S. No. 30-947 V.)

QUANTITY: 459 cases, each containing 24 1-lb. 8-oz. cans, at Los Angeles, Calif.

SHIPPED: 11-1-62, from Chicago, Ill.

LIBELED: 1-18-63, S. Dist. Calif.

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

DISPOSITION: On 3-4-63, Ralphs Grocery Co., Los Angeles, Calif., claimed the article. On 4-1-63, an order was filed pursuant to stipulation of the parties which order permitted the claimant and the Government to make a visual examination of the article. On 4-26-63, the Government filed a motion for summary judgment. On 5-6-63, the Government's motion for summary judgment came on for hearing and evidence was taken. The court found, among other things, that when the article was seized by the United States marshal, it was under refrigeration and it had been stored under refrigeration continuously subsequent to that time on the premises where it was seized; that there were cans of abnormal appearance in each of the 3 codes of the article; that because the percentage of abnormal cans increased from 16.6% on 1-3-63 to 44% on 4-8-63, there was strong evidence of progressive decomposition of the article; that the Government's examination of a sample consisting of 24 cans in their unopened state showed that 15 cans were abnormal in appearance; that those abnormalities were typically associated with internal gas formation and decomposition of the contents; and that 7 abnormal appearing cans and 5 normal appearing cans were opened and each can contained decomposed turkey meat. The court thereupon concluded that the article was adulterated and, on 5-20-63, ordered its destruction.

29082. Canned turkey breasts and canned chicken breasts. (F.D.C. No. 48674. S. Nos. 30-945/46 V.)

QUANTITY: 445 cases of turkey and 254 cases of chicken, each case containing 6 1-lb. 8-oz. cans, at Los Angeles, Calif.

SHIPPED: 9-10-62 and 11-1-62, from Chicago, Ill.

LIBELED: 1-15-63, S. Dist. Calif.

CHARGE: 402(a)(3)—contained decomposed turkey or chicken meat while held for sale.

DISPOSITION: On 7-1-63, a default decree was entered condemning the articles. The decree provided that Certified Grocers of California, Ltd., which had withdrawn its claim to the articles, be allowed to obtain 3 cans from each of 6 codes, for analyses, and that the claimant pay the court costs. The remainder of the articles were destroyed.

SPICES, FLAVORS, AND SEASONING MATERIALS

29083. Barbecue sauce. (F.D.C. No. 48654. S. No. 4-037 V.)

QUANTITY: 85 cases, each containing 12 1-lb. 4-oz. jars, at Richmond, Va.

SHIPPED: Prior to 7-6-62, from Baltimore, Md., by J. H. Filbert, Inc.