

to rodents, and to be exposed to contamination by rodents, which acts resulted in the article being adulterated.

CHARGE: 402 (a) (3)—contained rodent urine and rodent excreta pellets; and 402 (a) (4)—held under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 8-9-57. \$250 fine plus costs.

OILS AND FATS

24040. Edible oil. (F. D. C. No. 40186. S. No. 62-942 M.)

QUANTITY: 11 cans at Newark, N. J.

SHIPPED: 12-7-56, from Brooklyn, N. Y., by Lucci Sales Co.

LABEL IN PART: "Extra Fine Cielo Celeste Brand Contents One Gallon Net Composed of 75% Choice Peanut and Corn Oils 25% Pure Imported Olive Oil."

RESULTS OF INVESTIGATION: Examination showed that the article was essentially an artificially colored corn oil, with little or no peanut or olive oil present.

LIBELED: 4-26-57, Dist. N. J.

CHARGE: 402 (b) (1)—when shipped, valuable constituents, peanut oil and olive oil, had been in whole or in part omitted from the article; 402 (b) (2)—artificially colored corn oil had been substituted in whole or in part for a mixture of 75 percent peanut and corn oils, and 25 percent olive oil, which the article was represented to be; and 403 (a)—the label statement "75% * * * Peanut and Corn Oils 25% * * * Olive Oil" was false and misleading.

DISPOSITION: 6-14-57. Default—delivered to a charitable institution for its use, and not for sale.

24041. Vegetable shortening. (F. D. C. No. 40288. S. No. 64-701 M.)

QUANTITY: 10 cases, 12 jars each, at Pittsburgh, Pa.

SHIPPED: 5-9-57, from Chicago, Ill., by Douglas Food Corp.

LABEL IN PART: (Jar) "Carmel Brand Kosher Net Wt. 1 Lb. Schmaltz-E-Dige * * * Vegetable Shortening."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 6-24-57, W. Dist. Pa.

CHARGE: 403 (e) (2)—the label of the article, when shipped, failed to bear an accurate statement of the quantity of contents.

DISPOSITION: 8-7-57. Default—delivered to a charitable institution, for consumption by the inmates.

OLEOMARGARINE

24042. Oleomargarine. (F. D. C. No. 39757. S. No. 39-562 M.)

QUANTITY: 635 cases, 30 1-lb. pkgs. each, at Atlanta, Ga.

SHIPPED: After 12-12-56, from Bristol, Va. This was a return shipment.

RESULTS OF INVESTIGATION: Investigation showed that the article was contaminated by a deleterious chemical, while en route from Atlanta, Ga. to Bristol, Va., due to damage of other cargo consisting of the chemical epichlor-

hydrin. Examination showed that the oleomargarine had an abnormal taste.
LIBELED: 1-18-57, N. Dist. Ga.
CHARGE: 402 (a) (4)—the article, when shipped, was held in a truck under insanitary conditions whereby it may have become contaminated with a deleterious chemical; and 402 (e)—the article was unfit for food since it had an abnormal taste.
DISPOSITION: 4-22-57. Default—destruction.

POULTRY

24043. Dressed chickens. (F. D. C. No. 40344. S. No. 69-377 M.)

QUANTITY: 9 crates, some of which contained 70 lbs. and some of which contained 73 lbs. at Atlantic City, N. J.

SHIPPED: 6-25-57, from Selbyville, Del., by H & H Poultry Co.

RESULTS OF INVESTIGATION: Examination showed the presence of pellets of added diethylstilbestrol, a deleterious substance, in the edible portions of the birds.

LIBELED: 7-2-57, Dist. N. J.

CHARGE: 402 (a) (1)—contained, when shipped, an added poisonous or deleterious substance, diethylstilbestrol, which may render the article injurious to health.

DISPOSITION: 9-12-57. Consent—claimed by H & H Poultry Co. The article was brought into compliance with the law by removing and denaturing the neck of each of the chickens.

24044. Dressed poultry. (Inj. No. 299.)

COMPLAINT FOR INJUNCTION FILED: 4-13-56, M. Dist. N. C., against John W. Burwell, Jr. t/a Modern Poultry Co., High Point, N. C.

CHARGE: The complaint alleged that the defendant was engaged in preparing and distributing dressed and drawn and New York dressed poultry, and had been and was causing to be introduced and delivered for introduction into interstate commerce such poultry which was adulterated within the meaning of 402 (a) (3) and (4) by reason of the presence in the poultry of fecal material, crop material, intestines, and other filthy material, and by reason of the preparation, packing, and holding of the poultry at the defendant's plant under insanitary conditions.

It was alleged further that the insanitary conditions resulted from and consisted of the method of making the abdominal cut which severs the intestines, causing fecal material to be spread over the inside of the body cavity, the preparation of the birds in an improper manner, allowing the retention of the trachea, ventriculus, reproductive organs, or offal, which might contaminate the poultry, the presence of feathers, gizzard linings, lungs, and other miscellaneous dirt and debris on the floors and walls of the plant, and general carelessness on the part of the defendant and his employees.

The complaint alleged further that the defendant was well aware that his activities were in violation of the law; that various inspections had been made of the defendant's plant by the Food and Drug Administration; that a Notice of Hearing pursuant to Section 305 had been issued to the defendant in 1955; and that despite such warnings, the defendant failed to correct the insanitary conditions in the plant and continued to introduce into interstate commerce poultry which was adulterated as described above.