

**DISPOSITION:** August 14, 1950. Kennard Food Products, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be destroyed.

**16492. Adulteration and alleged misbranding of tomato puree. U. S. v. Pleasant Hill Canning Co. and Garnet C. Amick. Pleas of not guilty; subsequently changed to guilty. Fine of \$1,200 against company and \$300 against individual. (F. D. C. No. 27483. Sample No. 42006-K.)**

**INFORMATION FILED:** July 6, 1949, Southern District of Ohio, against the Pleasant Hill Canning Co., a partnership, Pleasant Hill, Ohio, and Garnet C. Amick, a partner.

**ALLEGED SHIPMENT:** On or about October 27, 1948, from the State of Ohio into the State of Illinois.

**NATURE OF CHARGE:** Count 1. Adulteration, Section 402 (a) (3), the article consisted in part of a decomposed substance by reason of the presence of decomposed tomato material.

Count 2. Misbranding, Section 403 (e) (1), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 403 (e) (2), it failed to bear a label containing an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count; and, Section 403 (g) (2), it failed to conform to the definition and standard of identity for tomato puree in that it failed to bear a label bearing the name of the food specified in the definition and standard.

**DISPOSITION:** A motion for dismissal of the information was filed on behalf of the defendant, based on the grounds (1) that the partnership was not a legal entity and (2) that the defendant, Amick, was charged both in his capacity as a partner and as an individual, and was therefore being tried twice for the same offense. A motion to quash the misbranding charges in the information was filed also on the ground that there was no allegation that the article in package form was shipped for public consumption in the original containers. After consideration of the briefs of the parties, the court overruled the motions on or about January 11, 1950. A plea of not guilty was entered on behalf of the defendant on February 6, 1950, and on June 8, 1950, the case came on for trial.

Witnesses for the Government were heard on June 8 and 9, 1950, when the trial adjourned for the week end. When court reconvened on June 12, 1950, the defendants changed their pleas to guilty to count 1 of the information, after which, upon motion by the Government, count 2 was dismissed. On June 12, 1950, the court imposed a fine of \$1,200 against the partnership and \$300 against the individual.

## MEAT AND POULTRY

**16493. Adulteration of wild rabbits. U. S. v. Ozark Rabbit Co., a corporation, and Edward A. Biggs. Pleas of nolo contendere. Corporation fined \$300, plus costs; individual defendant fined \$3. (F. D. C. No. 29156. Sample Nos. 54464-K to 54466-K, incl.)**

**INFORMATION FILED:** April 27, 1950, Western District of Missouri, against the Ozark Rabbit Co., Springfield, Mo., and Edward A. Biggs, vice president of the corporation.

**ALLEGED SHIPMENT:** On or about January 7, 9, and 10, 1950, from the State of Missouri into the State of Louisiana.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of fecal matter, and one shipment also consisted in part of a decomposed substance by reason of the presence of decomposed rabbits; and, Section 402 (a) (4), it had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** June 5, 1950. Pleas of nolo contendere having been entered, the court fined the corporation \$300, plus costs, and the individual defendant \$3.

**16494. Adulteration of dressed poultry. U. S. v. Indiana Farm Bureau Cooperative Assn., Inc., and Sam Martin. Pleas of guilty. Fine of \$200 against corporation and \$100 against individual. (F. D. C. No. 29190. Sample Nos. 8659-K, 15600-K.)**

**INFORMATION FILED:** July 22, 1950, Southern District of Indiana, against Indiana Farm Bureau Cooperative Assn., Inc., Hayden, Ind., and Sam Martin, plant manager.

**ALLEGED SHIPMENT:** On or about October 3 and November 16, 1949, from the State of Indiana into the States of New Jersey and Michigan.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article was unfit for food by reason of the presence of emaciated birds; and, Section 402 (a) (5), the article was in part the product of a diseased animal, and also in part the product of an animal which had died otherwise than by slaughter.

**DISPOSITION:** August 10, 1950. Pleas of guilty having been entered, the court imposed a fine of \$200 against the corporation and \$100 against the individual.

## NUTS

**16495. Adulteration of cashew nuts. U. S. v. 210 Tins \* \* \* (and one other seizure action). (F. D. C. Nos. 29241, 29242. Sample Nos. 35141-K, 35142-K.)**

**LIBELS FILED:** May 24, 1950, Northern District of California.

**ALLEGED SHIPMENT:** On or about December 30, 1949, from New York, N. Y.

**PRODUCT:** 345 25-pound tins of cashew nuts at San Francisco, Calif.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect-infested nuts, and of a decomposed substance by reason of the presence of moldy nuts. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** June 8, 1950. The Martin Donig Nut Co., San Francisco, Calif., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the court ordered that the product be released under bond to be brought into compliance with the law. The product was sorted, with the result that 38 tins of nuts were found unfit and were destroyed.

**16496. Adulteration of peanuts. U. S. v. 78 Bags, etc. (F. D. C. No. 29219. Sample Nos. 77323-K, 77324-K.)**

**LIBEL FILED:** May 16, 1950, Eastern District of Illinois.

**ALLEGED SHIPMENT:** On or about November 11, 1949, and March 20, 1950, from Suffolk, Va.