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 birds contaminated with excreta; and, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal or of an animal which had died otherwise than by slaughter.

DISPOSITION: February 6, 1951. C. A. Swanson & Sons, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for salvaging by removing all portions of the birds that were contaminated with filth and by segregating and destroying all diseased and otherwise unfit birds, under the supervision of the Food and Drug Administration. Of the 38 crates of birds which were seized, 26 crates were released as good.

NUTS

17346. Adulteration of unshelled mixed nuts. U. S. v. 79 Cases * * *. (F. D. C. No. 30220. Sample No. 90662–K.)

LIBEL FILED: December 20, 1950, Western District of Washington.

ALLEGED SHIPMENT: On or about December 2, 1950, by Hudson-Duncan & Co., from Portland, Oreg.

PRODUCT: 79 cases, each containing 24 1-pound bags, of unshelled mixed nuts at Seattle, Wash.

LABEL, IN PART: "DeMartini Mixed Nuts Walnuts, Almonds, Brazils, Pecans, Filberts."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product 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.

DISPOSITION: February 9, 1951. Hudson House, Inc., formerly Hudson-Duncan & Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released for segregation and sorting of the fit nuts from the unfit, under the supervision of the Food and Drug Administration. 2,166 pounds of nuts were seized, and 966 pounds of this amount were found to be bad and were destroyed.

OLEOMARGARINE

17347. Adulteration of oleomargarine. U. S. v. 78 Cartons * * *. (F. D. C. No. 30702. Sample No. 27922–L.)

LIBEL FILED: March 16, 1951, Northern District of California.

ALLEGED SHIPMENT: On or about November 16 and December 30, 1950, from Cincinnati, Ohio.

PRODUCT: 78 cartons, each containing 24 1-pound packages, of oleomargarine at Oakland, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of mold. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: March 29, 1951. Default decree of condemnation and destruction.