DISPOSITION: October 25, 1951. Default decree of condemnation. The court ordered that samples be delivered to the Food and Drug Administration and that the remainder be destroyed.

NUTS AND NUT PRODUCTS*

17834. Adulteration of brazil nuts. U. S. v. 182,103 Pounds * * *. (F. D. C. No. 29769. Sample No. 73033-K.)

LIBEL FILED: September 28, 1950, Southern District of New York.

ALLEGED SHIPMENT: On or about June 5, 1950, from Brazil.

PRODUCT: 182,103 pounds of brazil nuts at New York, N. Y.

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

DISPOSITION: October 11, 1950. Wm. A. Higgins & Co., Inc., New York, N. Y., 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 segregation and destruction of the unfit portion, under the supervision of the Federal Security Agency. The segregation operations were completed on or about August 31, 1951, and resulted in the release of about 135,000 pounds of the product as fit for human consumption.

17835. Adulteration of peanut butter. U. S. v. The Kelly Co. Plea of nolo contendere. Fine of $250, plus costs. (F. D. C. No. 31118. Sample No. 7391-L.)

INFORMATION FILED: July 24, 1951, Northern District of Ohio, against the Kelly Co., a corporation, Cleveland, Ohio.

ALLEGED SHIPMENT: On or about January 24, 1951, from the State of Ohio into the State of New York.

LABEL, IN PART: "Nutritious Dixie Brand Peanut Butter."

NATURE OF CHARGE: Adulteration, Section 402 (a) (4), the product had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: August 10, 1951. A plea of nolo contendere having been entered, the court fined the defendant $250, plus costs.

17836. Adulteration of peanut butter. U. S. v. 11 Cases, etc. (F. D. C. No. 31163. Sample Nos. 5511-L, 5512-L.)

LIBEL FILED: May 28, 1951, District of Maine.

ALLEGED SHIPMENT: On or about April 18, 1851, by John W. Leavitt Co., from Boston, Mass.

PRODUCT: Peanut butter. 11 cases, each containing 24 15-ounce jars, and 4 cases, each containing 24 8-ounce jars, at Rockland, Maine.

LABEL, IN PART: (Jar) "Teddie Homogenized Peanut Butter."

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

*See also No. 17813.

fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

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

POULTRY

17837. Adulteration of dressed poultry. U. S. v. 233 Crates * * *. (F. D. C. No. 31334. Sample No. 24347–L.)

LIBEL FILED: July 9, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about June 30, 1951, by Rockland Poultry Co., Inc., from Rockland, Maine.

PRODUCT: 233 crates, each containing approximately 80 pounds, of dressed poultry at New York, N. Y. Examination showed the presence of pellets of added diethylstilbestrol in the edible portions of the birds.

LABEL, IN PART: "Rockland Poultry Co. Inc. Rockland, Maine."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the product contained an added poisonous or deleterious substance which is unsafe within the meaning of Section 406 of the law.

DISPOSITION: July 19, 1951. The Kastein-Hay Dressed Poultry Corp., New York, N. Y., 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 to be brought into compliance with the law by trimming and removing the heads and necks of the poultry down to the shoulders and removing all of the viscera, under the supervision of the Food and Drug Administration.

17838. Adulteration of dressed poultry. U. S. v. 32 Crates * * *. (F. D. C. No. 31339. Sample No. 24346–L.)

LIBEL FILED: July 9, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about July 1, 1951, by the Phillip Cohen Poultry Co., from Waldoboro, Maine.

PRODUCT: 32 crates, each containing approximately 79 pounds, of dressed poultry at New York, N. Y. Examination disclosed the presence of pellets of added diethylstilbestrol in the edible portions of the birds.

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the product contained an added poisonous or deleterious substance which is unsafe within the meaning of Section 406 of the law.

DISPOSITION: August 2, 1951. The shipper having appeared as claimant and consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law by removal of the necks of the birds and evisceration, under the supervision of the Food and Drug Administration.

17839. Adulteration of dressed poultry. U. S. v. 13 Crates * * *. (F. D. C. No. 31340. Sample No. 24345–L.)

LIBEL FILED: July 11, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about July 2, 1951, by the New Hampshire Poultry Co., from Manchester, N. H.