

**ALLEGED SHIPMENT:** On or about August 9, 1951, by Spaulding & Sons, Inc., from Billerica, Mass.

**PRODUCT:** 240 pounds of dressed poultry in 4 crates at Bronx, N. Y.

**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 fecal matter and crop material; and, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal.

**DISPOSITION:** September 25, 1951. Default decree of condemnation. The court ordered that a portion of the product be delivered to the Federal Security Agency and that the remainder be destroyed.

**18092. Adulteration of dressed poultry. U. S. v. 209 Pounds \* \* \*. (F. D. C. No. 31666. Sample No. 24375-L.)**

**LIBEL FILED:** September 6, 1951, Southern District of New York.

**ALLEGED SHIPMENT:** On or about August 23, 1951, by Spaulding & Sons, Inc., from Billerica, Mass.

**PRODUCT:** 209 pounds of dressed poultry in 4 crates at Bronx, N. Y.

**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 fecal matter and crop material, and of a decomposed substance by reason of the presence of decomposed birds; and, Section 402 (a) (5), the article was in whole or part the product of a diseased animal.

**DISPOSITION:** September 25, 1951. Default decree of condemnation. The court ordered that a portion of the product be delivered to the Federal Security Agency and that the remainder be destroyed.

**18093. Adulteration of dressed poultry. U. S. v. 149 Pounds \* \* \*. (F. D. C. No. 31662. Sample No. 24373-L.)**

**LIBEL FILED:** September 7, 1951, Southern District of New York.

**ALLEGED SHIPMENT:** On or about August 23, 1951, by the Penobscot Poultry Co., from Belfast, Maine.

**PRODUCT:** 149 pounds of dressed poultry in 2 crates at New York, N. Y.

**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 fecal matter and crop material; and, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal.

**DISPOSITION:** September 25, 1951. Default decree of condemnation. The court ordered that a portion of the product be delivered to the Federal Security Agency and that the remainder be destroyed.

**18094. Adulteration of dressed turkeys. U. S. v. 111 Pounds \* \* \* (and 1 other seizure action). (F. D. C. Nos. 31638, 31648. Sample Nos. 24369-L, 24371-L.)**

**LIBELS FILED:** August 29, 1951, Southern District of New York.

**ALLEGED SHIPMENT:** On or about August 9 and 16, 1951, by Furman & Co., from Canton, Mass.

**PRODUCT:** 111 pounds and 94 pounds of dressed turkeys at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), (111-pound lot) the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed birds, and it was otherwise unfit for food by reason of the presence of extensively bruised and mutilated birds; (94-pound

lot) the article consisted in whole or in part of a filthy substance by reason of the presence of birds contaminated with fecal matter and crop material.  
**DISPOSITION:** September 25, 1951. Default decrees of condemnation. The court ordered that portions of the product be delivered to the Federal Security Agency and that the remainder be destroyed.

## SPICES, FLAVORS, AND SEASONING MATERIALS

**18095. Misbranding of black pepper. U. S. v. 13 Cases \* \* \*. (F. D. C. No. 31673. Sample No. 1364-L.)**

**LIBEL FILED:** September 11, 1951, Western District of North Carolina.  
**ALLEGED SHIPMENT:** On or about May 3, 1951, by the Monogram Coffee & Tea Co., from Charleston, S. C.

**PRODUCT:** 13 cases, each containing 144 cans, of black pepper at Charlotte, N. C.

**LABEL, IN PART:** (Can) "Net Wt. 1 Oz. Monogram Superior Pure Ground Black Pepper."

**NATURE OF CHARGE:** Misbranding, Section 403 (d), the container of the article was so made, formed, or filled as to be misleading; and, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents since the label statement "Net Wt. 1 Oz." was inaccurate. (Examination showed that the volume of the container was 75 cc., whereas a container of such size could easily contain 1¼ ounces of black pepper. The article was found also to be short of the declared weight.)

**DISPOSITION:** December 18, 1951. The Monogram Coffee & Tea Co., 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 repacking and reprocessing, under the supervision of the Federal Security Agency.

**18096. Adulteration of chili peppers. U. S. v. 175 Unlabeled Bags \* \* \*. (F. D. C. No. 31479. Sample No. 11128-L.)**

**LIBEL FILED:** August 16, 1951, Southern District of Ohio.

**ALLEGED SHIPMENT:** On or about May 23, 1951, by McClintock-Stern Co., Inc., from San Francisco, Calif.

**PRODUCT:** 175 unlabeled bags (approximately 35,000 pounds) of chili peppers at Cincinnati, Ohio.

**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 peppers, and of a decomposed substance by reason of the presence of moldy peppers.

**DISPOSITION:** September 5, 1951. The Frank Tea & Spice Co., claimant, having admitted the truth of the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency. Reconditioning operations resulted in the release of approximately 30,000 pounds of the product and in the destruction of approximately 3,559 pounds.

**18097. Adulteration and misbranding of french dressing. U. S. v. 22 Cases \* \* \*. (F. D. C. No. 31641. Sample No. 4484-L.)**

**LIBEL FILED:** August 21, 1951, District of Columbia.