

**20745. Adulteration of dried lentils. U. S. v. 6 Bags \* \* \*. (F. D. C. No. 34979. Sample No. 45315-L.)**

**LIBEL FILED:** April 22, 1953, District of Massachusetts.

**ALLEGED SHIPMENT:** On or about April 4, 1952, from Marcellus Falls, N. Y.

**PRODUCT:** 6 100-pound bags of dried lentils at Everett, Mass., in the possession of Budrell Packers, Inc.

**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 rodent excreta and rodent-gnawed lentils; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** June 8, 1953. Default decree of condemnation and destruction.

**20746. Adulteration of canned pumpkin. U. S. v. 78 Cases \* \* \*. (F. D. C. No. 34996. Sample No. 55634-L.)**

**LIBEL FILED:** April 14, 1953, Western District of New York.

**ALLEGED SHIPMENT:** On or about February 15, 1952, from North East, Pa.

**PRODUCT:** 78 cases, each containing 24 1-pound, 13-ounce cans, of pumpkin at Mayville, N. Y. Examination showed that the product had undergone chemical decomposition.

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

**DISPOSITION:** May 14, 1953. Default decree of condemnation and destruction.

### **TOMATOES AND TOMATO PRODUCTS**

**20747. Adulteration and misbranding of canned tomatoes. U. S. v. Westwood Canning Co., Inc., and John DeSchipper. Pleas of guilty. Fine of \$500 against corporation and fine of \$250 against individual, plus costs. (F. D. C. No. 32810. Sample No. 18945-L.)**

**INFORMATION FILED:** October 1, 1952, Southern District of Indiana, against Westwood Canning Co., Inc., New Castle, Ind., and John DeSchipper, president of the corporation.

**ALLEGED SHIPMENT:** On or about September 27, 1951, from the State of Indiana into the State of Minnesota.

**LABEL, IN PART:** (Can) "Wizdom Tomatoes Net Weight 1 Lb. 3 Oz. Red Owl Stores, Inc. Minneapolis, Minn. Distributors."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of fly eggs and maggots, and of a decomposed substance by reason of the presence of decomposed tomato material; and, Section 402 (a) (4), the article had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

Misbranding, Section 403 (g) (2), the label failed to bear, as required by the definition and standard of identity for canned tomatoes, the name of the optional ingredient present in the article since the article contained a calcium salt and its label failed to bear a statement of the presence of calcium salt.

**DISPOSITION:** May 10, 1954. The defendants having entered pleas of guilty, the court imposed a fine of \$500 against the corporation and a fine of \$250 against the individual, plus costs.

**20748. Adulteration of tomato juice. U. S. v. Wann Packing Co. Plea of guilty. Fine of \$500, plus costs. (F. D. C. No. 32823. Sample Nos. 36070-L, 48820-L.)**

**INFORMATION FILED:** October 10, 1952, Southern District of Indiana, against the Wann Packing Co., a partnership, Frankton, Ind.; amended information filed on or about August 31, 1953.

**ALLEGED SHIPMENT:** On or about March 12 and April 8, 1952, from the State of Indiana into the States of Ohio and Minnesota.

**LABEL, IN PART:** (Can) "Roy Boy Tomato Juice Contents 1 Qt. 14 Fl. Oz. Packed by Laughlin Packing Co., Frankton, Ind."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a decomposed substance by reason of the presence of decomposed tomato material; and, Section 402 (a) (4), the article was prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** November 25, 1953. The defendant having entered a plea of guilty, the court imposed a fine of \$500, plus costs.

## MEAT AND POULTRY

**20749. Adulteration and misbranding of horsemeat. U. S. v. Orlando DeStefani (Red & White Market and DeStefani's Market). Plea of guilty. Defendant fined \$750 and placed on probation for 1 year. (F. D. C. 34326. Sample Nos. 6636-L, 6638-L, 44307-L, 44311-L.)**

**INFORMATION FILED:** June 8, 1953, District of Rhode Island, against Orlando DeStefani, trading and doing business as the Red & White Market and DeStefani's Market, Woonsocket, R. I.

**ALLEGED VIOLATION:** On or about June 13 and 20, 1952, while a quantity of horsemeat was being held for sale at the Red & White Market (also known as DeStefani's Market), after shipment in interstate commerce, the defendant caused a quantity of the horsemeat to be sold as beef hamburger, cube beef steak, and stew beef, which acts resulted in the article being adulterated and misbranded.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), horsemeat had been substituted for beef hamburger and stew beef.

Misbranding, Section 403 (b), the article was offered for sale under the name of other foods, namely, beef hamburger and cube beef steak.

**DISPOSITION:** April 6, 1954. The defendant having entered a plea of guilty, the court fined him \$750 and placed him on probation for 1 year.

**20750. Action to enjoin and restrain the interstate shipment of adulterated poultry. U. S. v. Delmarva Poultry Corp., Eagle Poultry Packers, Inc., Royal Poultry Corp., David Pack, and Harry Landes. Temporary restraining order issued. (Inj. No. 243.)**

**COMPLAINT FILED:** May 8, 1952, District of Delaware, against the Delmarva Poultry Corp., Milford and Frankford, Del.; Eagle Poultry Packers, Inc., Frankford, Del.; the Royal Poultry Corp., Frankford, Del.; and David Pack,