DISPOSITION: August 25, 1953. The Agress Nut & Seed Co., Brooklyn, 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 reconditioning under the supervision of the Department of Health, Education, and Welfare. As a result of the reconditioning operations, 1,296 pounds of the product were found unfit and were destroyed.

OLEOMARGARINE

20786. Sale and offering for sale of colored oleomargarine. U. S. v. James Paolino (James Paolino & Sons). Plea of not guilty. Tried to the court and jury. Plea changed to guilty after introduction of Government's evidence. Defendant fined $200 and placed on probation for 1 year. (F. D. C. No. 33763. Sample Nos. 44288–L, 44289–L.)

INDICTMENT RETURNED: April 13, 1953, District of Rhode Island, against James Paolino, trading as James Paolino & Sons, Cranston, R. I.

ALLEGED VIOLATION: On or about May 1, 1952, the defendant, with intent to defraud and mislead, sold and offered for sale a number of packages which were labeled as butter but which contained colored oleomargarine or colored margarine.

LABEL, IN PART: (Package) "Prairie Creamery Butter Net Wt. 1 Lb. Made From Pasteurized Cream."

NATURE OF CHARGE: The article, when sold and offered for sale as described above, was not labeled as required by Section 407 (b) (3) with (A) the word "oleomargarine" or "margarine" in type or lettering at least as large as any other type or lettering on the label and with (B) a statement of all the ingredients contained in such colored oleomargarine or colored margarine.

DISPOSITION: The defendant having entered a plea of not guilty, the case came on for trial before the court and jury on February 17, 1954. After the Government had completed the introduction of its evidence, the defendant changed his plea to that of guilty, and on March 15, 1954, the court fined the defendant $200 and placed him on probation for 1 year.

SPICES, FLAVORS, AND SEASONING MATERIALS

20787. Adulteration of chili peppers and cinnamon. U. S. v. Aviation Coffee Co. Plea of guilty. Fine, $500. (F. D. C. No. 34858. Sample Nos. 46705–L, 46706–L.)

INFORMATION FILED: August 22, 1953, Western District of Texas, against the Aviation Coffee Co., a corporation, San Antonio, Tex.

ALLEGED VIOLATION: Between the approximate dates of June 18, 1952, and February 5, 1953, while quantities of chili peppers and cinnamon were being held for sale, the defendant caused quantities of the products to be placed in a building that was accessible to rodents and caused the products to be exposed to contamination by rodents.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in part of filthy substances by reason of the presence in the chili peppers of rodent-gnawed chili pods, rodent excreta, and rodent hairs, and by reason of the presence in the cinnamon of rodent excreta, insects, and insect fragments; and, Section 402 (a) (4), the articles were held under insanitary conditions whereby they may have become contaminated with filth.