

presence of rodent and insect filth in the articles, and of the use in the manufacture of the articles of raw materials contaminated with human excreta and rodent and insect filth, and by reason of the preparation and holding of the articles at the defendants' plant under insanitary conditions.

It was alleged further that the insanitary conditions resulted from the presence of tribolium type insects and live and dead roaches throughout the warehouse where the cottonseeds and peanuts used in the manufacture of the articles were stored; from human excreta on the cottonseeds in the storage bins in such warehouse; from live and dead roaches and numerous rodent holes, one of which contained a dead rat, in the ventilating tunnels of such warehouse; and from human excreta and a live mouse in one of the ventilating tunnels, and tribolium insects, beetles, flour moths, and roaches in and around the equipment and rooms in the plant used for manufacturing and preparing the articles; that the insanitary conditions resulted also from inadequate and filthy toilet facilities and general carelessness; that the refining process of the expressed oil obtained from cottonseeds and peanuts was such that the oil-soluble portions of the insect and excreta filth remained in the crude cottonseed oil and the crude peanut oil; and that the defendants had on hand in the plant quantities of cottonseeds which were contaminated with filth and which were held under insanitary conditions, and quantities of crude cottonseed oil which consisted in part of filthy substances and which were prepared under insanitary conditions, both of which constituted a menace to interstate commerce.

The complaint alleged further that the defendants were well aware that their activities were in violation of the law; that various inspections were made by the Food and Drug Administration; that a Notice of Hearing pursuant to Section 305 had been issued to the defendants in 1952; and that despite such warnings, the defendants failed to correct the insanitary conditions in the plant and continued to introduce into interstate commerce crude cottonseed oil and crude peanut oil adulterated as described above.

DISPOSITION: 6-6-55. The defendants having consented to the entry of a decree, an injunction was entered perpetually enjoining and restraining the defendants from introducing and causing to be introduced and delivering and causing to be delivered, for introduction into interstate commerce, crude cottonseed oil and crude peanut oil, or any other such articles adulterated within the meaning of 402 (a) (3) and (4), and any of the stock of adulterated crude cottonseed oil and cottonseeds on hand in defendants' plant at Camilla, Ga.

22342. Pecan oil. (Inj. No. 266.)

COMPLAINT FOR INJUNCTION FILED: 7-8-54, N. Dist. Tex., against three corporations, namely, Planters Cotton Oil Co., Weatherford Oil Refining & Distributing Co., and J. R. Fleming & Co., Inc., of Weatherford, Tex., and against James R. Fleming, president of the corporations.

CHARGE: The complaint alleged that the defendants were engaged in the business of manufacturing, preparing, and distributing pecan oil, and had been and were, at the time of filing of the complaint, causing the introduction and the delivery for introduction into interstate commerce of pecan oil, which was adulterated under 402 (a) (3) in that it consisted in part of filthy substances.

The complaint alleged further that the pecan oil was manufactured from material which consisted of pecan meats, pecan shells, curculio larva, coleoptera insects, floor sweepings, broom straws, cigarette butts, pieces of paper, and

burnt matches, and that examination disclosed that the pecan oil contained a mixture of pecan oil, curculio larva oil and oil soluble extractives from insects, cigarette butts, and other extraneous material.

The complaint alleged also that the defendants had in their possession a quantity of adulterated pecan oil which would, in the usual and ordinary course of business, be shipped in interstate commerce. The complaint alleged further, on information and belief, that the defendants would continue to introduce and cause to be introduced and deliver and cause to be delivered into interstate commerce adulterated pecan oil unless restrained by the court.

The article was alleged also to be adulterated under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 4592.

DISPOSITION: On 7-8-54, the court entered a temporary restraining order enjoining the defendants from introducing or causing to be introduced, and delivering or causing to be delivered, for introduction into interstate commerce, pecan oil adulterated as alleged in the complaint. On the same date, an order was entered directing the defendants to show cause why a preliminary injunction should not issue. On 7-16-54, with the consent of the defendants, a preliminary injunction was issued pending a hearing on the merits.

On 11-18-54, the defendants having consented to the entry of a decree, the court entered a decree perpetually enjoining and restraining the defendants from directly, or indirectly, introducing or causing to be introduced, or delivering or causing to be delivered, for introduction into interstate commerce, pecan oil, or any other such article, which was adulterated as alleged in the complaint. The decree provided further that the defendants be perpetually enjoined and restrained from directly, or indirectly, introducing or causing to be introduced, and delivering or causing to be delivered, into interstate commerce, any stock on hand of pecan oil adulterated within the meaning of 402 (a) (3) and 501 (a) (1).

POULTRY

22343. Dressed poultry. (F. D. C. No. 37209. S. No. 84-799 L.)

INFORMATION FILED: 1-31-55, Dist. N. J., against Kessler Bros., Inc., Farmingdale, N. J., Felix Kessler, vice president and treasurer, and John Kessler, president.

SHIPPED: 5-26-54, from New Jersey to Pennsylvania.

CHARGE: 402 (a) (5)—contained diseased poultry when shipped.

PLEA: Guilty.

DISPOSITION: 5-2-55. Corporation fined \$250; individuals placed on probation for 1 year.

22344. Dressed poultry. (F. D. C. No. 35614. S. Nos. 84-803/4 L.)

INFORMATION FILED: 3-29-55, E. Dist. Pa., against Quaker City Poultry Sales Corp., Philadelphia, Pa., and Nat J. Polin, president.

SHIPPED: Between 7-28-54 and 7-30-54, from Pennsylvania to New Jersey.

CHARGE: 402 (a) (3)—contained poultry contaminated with fecal matter and extensively bruised poultry; and, 402 (a) (5)—contained diseased poultry when shipped.

PLEA: Guilty.

DISPOSITION: 6-2-55. Corporation fined \$250; individual fined \$35.