

**CHARGE:** 402 (a) (3)—contained decomposed tomato material when shipped.  
**DISPOSITION:** 1-19-56. Default—destruction.

**23046. Pizza sauce.** (F. D. C. No. 38892. S. No. 32-755 M.)

**QUANTITY:** 9 cases, 6 No. 10 cans each, at Philadelphia, Pa.

**SHIPPED:** 10-29-55, from Snow Hill, Md., by Italian Style Tomato Packers, Inc.

**LABEL IN PART:** (Can) "Jiffy Brand Special Formula Prepared Pizza Sauce."

**LIBELED:** 1-5-56, E. Dist. Pa.

**CHARGE:** 402 (a) (3)—contained fly eggs, maggots, and decomposed tomato material when shipped.

**DISPOSITION:** 2-8-56. Default—destruction.

## MEAT AND POULTRY

**23047. Eviscerated rabbits.** (F. D. C. No. 38940. S. Nos. 37-268/70 M.)

**QUANTITY:** 1,680 lbs. in 28 crates, 6,600 lbs. in 94 crates, and 3,600 lbs. in 51 crates at Bronx, N. Y.

**SHIPPED:** 11-11-55 and 1-6-56, from Preston, Kans., by G. W. Hansen.

**LIBELED:** 2-14-56, S. Dist. N. Y.

**CHARGE:** 402 (a) (3)—contained rabbits contaminated with buckshot, fecal material, and other extraneous material and decomposed rabbits when shipped.

**DISPOSITION:** 3-23-56. Default—destruction.

**23048. Dressed poultry.** (F. D. C. No. 38865. S. No. 17-123 M.)

**QUANTITY:** 1,120 lbs. in 15 crates at Washington, D. C.

**SHIPPED:** 6-7-55, from Bishop, Md., by Paul Feig.

**LABEL IN PART:** (Crate) "Acme Brand Fresh Killed Ice Packed Poultry Fresh Dressed Extra Fancy New York Dressed Maryland Poultry Acme Poultry Corp., Berlin, Maryland."

**LIBELED:** 12-15-55, Dist. Columbia.

**CHARGE:** 402 (a) (3)—contained birds contaminated with fecal matter, decomposed birds, and extensively bruised birds when shipped.

**DISPOSITION:** 1-17-56. Default—consumption by animals.

**23049. Dressed turkeys.** (F. D. C. No. 38901. S. No. 37-265 M.)

**QUANTITY:** 863 lbs. in 13 crates at Bronx, N. Y.

**SHIPPED:** 12-19-55, from Edinburg, Va., by Blue Ridge Poultry & Egg Co., Inc.

**LIBELED:** 1-16-56, S. Dist. N. Y.

**CHARGE:** 402 (a) (3)—contained birds contaminated with fecal material; and 402 (a) (5)—contained diseased birds when shipped.

**DISPOSITION:** 2-17-56. Default—destruction.

**23050. Frozen turkeys.** (F. D. C. No. 38786. S. No. 9-698 M.)

**QUANTITY:** 143 60-lb. crates at Los Angeles, Calif.

**SHIPPED:** 9-26-55, from Provo, Utah, by Chicken Products Co.

**LABEL IN PART:** (Some crates) "Utah Turkey \* \* \* Eviscerated Turkey."

**LIBELED:** 12-8-55, S. Dist. Calif.

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

DISPOSITION: 2-8-56. Consent—claimed by A. W. McCoy, Sr., Provo, Utah. Segregated, 4,737 lbs. delivered to a rendering company.

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**U. S. Department of Health, Education, and Welfare**

**FOOD AND DRUG ADMINISTRATION**

**NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD,  
DRUG, AND COSMETIC ACT**

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

23051-23100

**FOODS**

The cases reported herewith were instituted in the United States district courts by United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare. They involve foods which were adulterated or misbranded within the meaning of the Act when introduced into and while in interstate commerce, or while held for sale after shipment in interstate commerce. These cases involve (1) seizure proceedings which were terminated with the entry of decrees of condemnation after default or consent; (2) criminal proceedings which were terminated upon pleas of guilty and a verdict of not guilty; (3) injunction proceedings terminated with the entry of an injunction; and (4) contempt proceedings for violation of an injunction which were dismissed. The seizure proceedings are civil actions taken against the *goods* alleged to be in violation, and the criminal, injunction, and contempt proceedings are against the *firms or individuals* charged to be responsible for violations.

Published by direction of the Secretary of Health, Education, and Welfare.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., *December 26, 1956.*

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**SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN VIOLATIONS  
REPORTED IN F. N. J. NOS. 23051-23100**

*Adulteration*, Section 402 (a) (2), the article contained an added poisonous or deleterious substance which was unsafe within the meaning of Section 406; Section 402 (a) (3), the article consisted in part of a filthy or decomposed substance; Section 402 (a) (4), the article had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth; Section 402 (a) (5), the article was in whole or in part the product of a diseased animal; Section 402 (b) (1), a valuable constituent of the article had been in whole or in part omitted or abstracted therefrom; Section 406 (a), a poisonous or deleterious substance was added to food when such substance was not required in the production thereof and could have been avoided by good manufacturing practice.

*Misbranding*, Section 403 (a), the labeling of the article was false and misleading; Section 403 (e), the article was in package form, and it failed to bear a label containing (1) the name and place of business of the manufacturer, packer, or distributor, and (2) an accurate statement of the quantity of contents; Section 403 (j), the article purported to be and was represented for special dietary uses, and its label failed to bear such information as the Secretary has determined to be, and by regulations prescribed as, necessary in order fully to inform purchasers as to its value for such uses.

## CEREALS AND CEREAL PRODUCTS

### FLOUR

**23051. Flour.** (F. D. C. No. 38356. S. No. 20-806 M.)

**QUANTITY:** 87 50-lb. bags at Ardmore, Okla.

**SHIPPED:** 9-6-55, from Arkansas City, Kans.

**LIBELED:** 10-6-55, E. Dist. Okla.

**CHARGE:** 402 (a) (3)—contained rodent urine while held for sale.

**DISPOSITION:** Tyler & Simpson Co., Ardmore, Okla., claimant, filed an exception to the sufficiency of the libel on the ground that it failed to state a claim upon which relief could be granted. Thereafter, the Government filed a motion for summary judgment on the ground that there existed no genuine issue as to any material fact. Subsequently, the claimant withdrew its exception to the libel, and the court, on 4-5-56, entered a decree condemning the article and ordering its destruction.

**23052. Flour.** (F. D. C. No. 38851. S. No. 42-754 M.)

**QUANTITY:** 76 50-lb. bags at El Paso, Tex., in possession of Safeway Stores, Inc.

**SHIPPED:** Between 11-15-55 and 12-6-55, from Enid, Okla.

**LIBELED:** 2-15-56, W. Dist. Tex.

**CHARGE:** 402 (a) (3)—contained animal urine and animal excreta; and 402 (a) (4)—held under insanitary conditions.

**DISPOSITION:** 4-2-56. Default—consumption by animals.

**23053. Flour and rice.** (F. D. C. No. 38385. S. Nos. 20-634/5 M.)

**QUANTITY:** 157 50-lb. bags of flour and 4 cases, 12 3-lb. pkgs. each, of rice at Manhattan, Kans.