

LABEL IN PART: (Can) "Butternut Tomato Juice."

LIBELED: 1-18-56, Dist. Mass.

CHARGE: 402 (a) (3)—contained decomposed tomato material when shipped.

DISPOSITION: 3-21-56. Consent—claimed by Silver Creek Preserving Corp. Segregated, 135¼ cases destroyed.

MEAT AND POULTRY*

23164. Horsemeat. (F. D. C. No. 37272. S. Nos. 3-149 M, 3-152 M, 3-159 M, 3-325 M.)

INDICTMENT RETURNED: 9-13-55, Dist. R. I., against John Petrucci, t/a North Providence Public Market, North Providence, R. I.

ALLEGED VIOLATION: Between 1-27-55 and 2-10-55, while quantities of horsemeat were being held for sale at the North Providence Public Market after shipment in interstate commerce, the defendant, with intent to defraud and mislead, caused quantities of horsemeat to be sold as beef hamburger, stewing beef, and cubed beefsteak, which acts resulted in the article being adulterated and misbranded.

CHARGE: 402 (b) (2)—horsemeat had been substituted for beef hamburger, stewing beef, and cubed beefsteak; and 403 (b)—horsemeat was offered for sale under the name of other foods, namely, beef hamburger, stewing beef, and cubed beefsteak.

PLEA: Guilty.

DISPOSITION: 4-20-56. Imprisonment for 1 year.

23165. Frog legs. (F. D. C. No. 38447. S. Nos. 1-669/70 M.)

QUANTITY: 39 cases, 6 5-lb. cartons each, at Miami, Fla.

SHIPPED: 8-9-55 and 8-24-55, from S. A. Guines, Cuba.

LIBELED: 9-27-55, S. Dist. Fla.

CHARGE: 402 (a) (3)—contained decomposed frog legs while held for sale.

DISPOSITION: 11-1-55. Default—destruction.

23166. Dressed poultry. (F. D. C. No. 38-543. S. Nos. 2-543 M, 21-708 M.)

INFORMATION FILED: 3-2-56, Dist. Md., against Paul Feig, Bishop, Md.

SHIPPED: 8-29-55 and 11-3-55, from Maryland to Pennsylvania and the District of Columbia.

CHARGE: 402 (a) (3)—contained, when shipped, birds contaminated with fecal and crop material, decomposed poultry, and extensively mutilated and excessively bruised birds; and 402 (a) (5)—contained diseased birds and birds which had died otherwise than by slaughter.

PLEA: Guilty.

DISPOSITION: 4-20-56. Individual fined \$1,000 and sentenced to 60 days imprisonment, with the provision that the prison sentence would be suspended should the defendant pay the fine within 60 days.

23167. Dressed poultry. (F. D. C. No. 36408. S. No. 84-448 L.)

QUANTITY: 358 lbs. in 5 crates at Philadelphia, Pa.

*See also No. 23197.

SHIPPED: 2-8-54 and 2-9-54, from Federalsburg, Md., by Caroline Poultry Farms.

LIBELED: 3-1-54; amended 11-30-54, E. Dist. Pa.

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

DISPOSITION: Caroline Poultry Farms, having appeared as claimant, filed an answer denying that the product was adulterated as alleged. Interrogatories served upon the claimant by the Government were answered; and, on 11-30-54, the Government filed a motion for summary judgment.

On 6-1-55, the claimant having consented to the entry of a decree, the court entered an order condemning the article and providing for its release under bond to the claimant for segregation. The claimant failed to comply with the terms of the decree; and, on 3-26-56, the court ordered that the article be destroyed.

23168. Canned boned chicken and canned boned turkey. (F. D. C. No. 38988. S. Nos. 46-211/2 M.)

QUANTITY: 9 cases, 12 1-lb., 14-oz. cans each, of boned chicken, and 19 cases, 12 1-lb., 14-oz. cans each, of boned turkey at Philadelphia, Pa.

SHIPPED: During June or July 1953, from Lawrence, Ind.

RESULTS OF INVESTIGATION: Examination showed that the articles were undergoing chemical decomposition.

LIBELED: 3-9-56, E. Dist. Pa.

CHARGE: 402 (a) (3)—contained decomposed substance while held for sale.

DISPOSITION: 4-9-56. Default—destruction.

23169. Frozen chicken chow mein. (F. D. C. No. 38565. S. No. 32-684 M.)

INFORMATION FILED: 2-21-56, E. Dist. N. Y., against Temple Frosted Foods, Inc., Brooklyn, N. Y., and Bowden Goon, president.

SHIPPED: 7-27-55, from New York to Pennsylvania.

LABEL IN PART: (Pkg.) "Chicken Chow Mein Net Wt. 12 ozs."

CHARGE: 402 (a) (3)—contained insect fragments; and 402 (a) (4)—prepared under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 3-15-56. Each defendant fined \$500.

NUTS AND NUT PRODUCTS*

23170. Cashew nuts. (F. D. C. No. 38944. S. No. 47-605 M.)

QUANTITY: 11 25-lb. cans at New York, N. Y.

SHIPPED: Between 5-14-55 and 11-1-55, from India.

LIBELED: 2-23-56, S. Dist. N. Y.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 3-15-56. Default—destruction.

23171. Unshelled filberts. (F. D. C. No. 39002. S. No. 36-467 M.)

QUANTITY: 4 100-lb. bags and 9 50-lb. bags at Chicago, Ill.

*See also No. 23117.