

**CHARGE:** The complaint alleged that the defendants were engaged in the business of slaughtering, preparing, packing, distributing, and causing to be introduced and delivered, for introduction into interstate commerce, dressed poultry which was adulterated within the meaning of 402 (a) (3) in that it consisted in part of a filthy substance such as fecal matter, crop material, filthy wax, and miscellaneous dirt and debris, and of a decomposed substance such as greenstruck poultry; and it was otherwise unfit for food by reason of extensively bruised poultry; that was adulterated within the meaning of 402 (a) (4) in that the poultry had been and was being prepared and packed at the corporation's plant under insanitary conditions; and that was adulterated within the meaning of 402 (a) (5) in that the article contained diseased poultry and consisted in part of poultry which had died otherwise than by slaughter.

The complaint alleged further that the insanitary conditions in the plant resulted from and consisted of the presence of fecal matter, crop material, filthy wax, and miscellaneous dirt and debris on the floors and walls of the plant and in and around the equipment used in slaughtering, preparing, and packing the article, and also from a general carelessness on the part of the defendants and their employees.

The complaint alleged also that the defendants were well aware that their activities were in violation of the law; that inspections had been made of the corporation's plant during February, September, and October 1951, when the insanitary conditions were brought to the attention of the defendants; that seizures had been made of filthy, decomposed, and diseased dressed poultry which had been shipped in interstate commerce by the corporation in October and December 1951; that notices of hearing had been issued to the defendants with respect to the interstate shipment of adulterated dressed poultry; and that despite the warnings conveyed to the defendants by such plant inspections, seizure actions, and notices of hearing, the defendants continued to cause adulterated dressed poultry to be introduced into interstate commerce.

**DISPOSITION:** On 2-26-52, the court entered a temporary restraining order enjoining the defendants for a period of ten days against doing the acts complained of. On 3-21-52, a hearing was held on the Government's motion for preliminary injunction, and at the conclusion thereof, the matter was taken under advisement by the court. Subsequently it was ascertained that the violative practices had been corrected; and, accordingly, on 5-9-52, an order was entered dismissing the action without prejudice and without costs to either party.

**23436. Eviscerated chickens.** (F. D. C. No. 39134. S. No. 40-985 M.)

**QUANTITY:** 899 boxes, 12 chickens each, at Hopkins, Minn.

**SHIPPED:** 5-16-56, from Atlanta, Ga., by Cagle's, Inc.

**LIBELED:** 5-25-56, Dist. Minn.

**CHARGE:** 402 (a) (3)—contained birds contaminated with fecal matter and containing inedible viscera; and 402 (a) (4)—prepared and packed under insanitary conditions.

**DISPOSITION:** 6-12-56. Consent—claimed by Cagle's, Inc. Segregated; 798 lbs. destroyed.

**23437. Frozen dressed turkeys.** (F. D. C. No. 33825. S. No. 11-764 L.)

**INFORMATION FILED:** 1-27-53, N. Dist. Ill., against Marshall Poultry Co., a partnership, Chicago, Ill., and Milton J. Cohen and Julius Cohn, partners.