

to be adulterated further in that it consisted in part of a decomposed substance, and was in part otherwise unfit for food.

On July 24, 1940, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$75 and costs.

912. Adulteration of poultry. U. S. v. John Mike Hallren (Hallren Produce). Plea of guilty. Fine, \$25 and costs. (F. D. C. No. 947. Sample No. 85737-D.)

On April 11, 1940, the United States attorney for the Western District of Oklahoma filed an information against John Mike Hallren, trading as Hallren Produce at Fairview, Okla., alleging shipment on or about December 2, 1939, from the State of Oklahoma into the State of New York, of a quantity of poultry which was adulterated in that it consisted in whole and in part of the product of diseased animals.

On May 2, 1940, a plea of guilty was entered by the defendant and a fine of \$25 and costs was imposed.

913. Adulteration of poultry. U. S. v. Producers Cold Storage Co. and Carl L. Burt. Pleas of nolo contendere. Fine of \$12.50 imposed on each defendant. (F. D. C. No. 964. Sample No. 68467-D.)

On May 13, 1940, the United States attorney for the Eastern District of Missouri filed an information against the Producers Cold Storage Co., a corporation, Shelby, Mo., and Carl L. Burt, alleging shipment on or about November 20, 1939, from the State of Missouri into the State of New York of a quantity of poultry which was adulterated.

The article was alleged to be adulterated in that it was in part the product of diseased animals, namely, diseased poultry. It was alleged to be adulterated further in that it was in whole or in part unfit for food since it consisted in whole or in part of diseased and emaciated poultry.

On May 27, 1940, the defendants both entered pleas of nolo contendere and the court imposed a fine of \$12.50 against each.

914. Adulteration of dressed poultry. U. S. v. Producers Produce Co. Plea of guilty. Fine, \$1 and costs. (F. D. C. No. 2069. Sample No. 68466-D.)

On May 19, 1940, the United States attorney for the Western District of Missouri filed an information against the Producers Produce Co., a corporation, Sedalia, Mo., alleging shipment on or about November 25, 1939, from the State of Missouri into the State of New York of a quantity of dressed poultry that was adulterated.

The article was alleged to be adulterated in that it consisted in part of a decomposed substance and was otherwise unfit for food, i. e., it consisted in part of diseased, decomposed, and emaciated poultry. It was alleged to be adulterated further in that it was in part the product of diseased animals, i. e., diseased poultry.

On August 3, 1940, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$1 and costs.

915. Adulteration of dressed poultry. U. S. v. Benjamin Weiner and Julius Weiner (Marshall Produce Co.). Pleas of guilty. Both defendants sentenced to 4 months' imprisonment and a fine of \$400. Prison sentences suspended. (F. D. C. No. 935. Sample No. 68371-D.)

On June 11, 1940, the United States attorney for the District of Minnesota filed an information against Benjamin Weiner and Julius Weiner, trading as the Marshall Produce Co., Marshall, Minn., alleging shipment on or about October 19, 1939, from the State of Minnesota into the State of New York, of a quantity of poultry which was adulterated in that it was in whole or in part the product of diseased animals.

On November 15, 1940, the defendants having entered pleas of guilty, the court sentenced each to 4 months' imprisonment and a fine of \$400, but suspended the prison sentence in the case of both defendants upon payment of the fines.

Nos. 916 and 917 report the seizure and disposition of dressed turkeys which were found to be in whole or in part the product of diseased poultry.

916. Adulteration of dressed turkeys. U. S. v. 1 Barrel of Dressed Turkeys. Default decree of condemnation and destruction. (F. D. C. No. 1308. Sample No. 86305-D.)

On January 9, 1940, the United States attorney for the Eastern District of New York filed a libel against one barrel of turkeys at Brooklyn, N. Y. (and

an amended libel on January 31, 1940), alleging that the article had been shipped in interstate commerce on or about November 15, 1939, by O. G. Harp Poultry & Egg Co. from Shawnee, Okla.; and charging that it was adulterated in that it was in whole or in part the product of diseased animals.

On February 9, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

917. Adulteration of dressed turkeys. U. S. v. 7 Barrels of Dressed Turkeys. Default decree of condemnation and destruction. (F. D. C. No. 1309. Sample Nos. 86306-D, 86307-D, 86308-D.)

On January 8, 1940, the United States attorney for the Eastern District of New York filed a libel against seven barrels of dressed turkeys at Brooklyn, N. Y. (and an amended libel on January 31, 1940), alleging that the article had been shipped in interstate commerce on November 17 and November 21, 1939, by the Pruitt Produce Co. from Ardmore, Okla., and Sherman, Tex.; and charging that it was adulterated in that it was in whole or in part of the product of diseased animals.

On February 9, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

NUT PRODUCTS

PEANUT BUTTER

918. Adulteration of peanut butter. U. S. v. 366 Cases and 159 Cases of Peanut Butter. Default decrees of condemnation and destruction. (F. D. C. Nos. 1534, 2029. Sample Nos. 61567-D to 61570-D, incl., 5892-E.)

Samples of this product were found to contain sand and dirt.

On February 28 and May 24, 1940, the United States attorneys for the Southern District of Mississippi and the Eastern District of Kentucky filed libels against 366 cases of peanut butter at Gulfport, Miss., and 159 cases of the product at Harlan, Ky., alleging that the article had been shipped in interstate commerce on or about October 23, 1939, and January 17, 1940, by the J. D. Johnston, Jr., Co., from Brundidge, Ala.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The product was labeled in part: "Johnston's * * * Peanut Butter."

On June 4 and 14, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

919. Adulteration of peanut butter. U. S. v. 26 Cases of Peanut Butter. Default decree of condemnation and destruction. (F. D. C. No. 1924. Sample No. 20539-E.)

This product contained rodent hairs, rodent excreta, insect fragments, and dirt.

On May 9, 1940, the United States attorney for the Northern District of Georgia filed a libel against 26 cases of peanut butter at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about November 18, 1939, by Myers & Hicks Co. of Baltimore, Md., from Suffolk, Va.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. It was labeled in part: (Tins) "Producers Jo-Jo Brand Peanut Butter * * * Producers Peanut Co., Inc. Suffolk, Virginia."

On June 4, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

920. Adulteration and misbranding of peanut butter. U. S. v. 60 Cases and 20 Cases of Peanut Butter (and 5 other seizures of peanut butter). Default decrees of condemnation and destruction. (F. D. C. Nos. 1921, 1959, 1976, 1984, 1990, 1991. Sample Nos. 2273-E, 14323-E, 14325-E, 20205-E to 20208-E, incl.)

This product was found to contain dirt. Samples taken from 3 of the shipments were also found to contain rodent hairs or insect fragments, or both. The 1-pound size in one of the shipments was short weight.

Between May 10 and May 20, 1940, the United States attorneys for the District of Rhode Island, the Eastern District of Pennsylvania, and the Western District of South Carolina filed libels against 80 cases of peanut butter at Providence, R. I.; 25 drums at Phoenixville, Pa.; 29 cases at Greenville, S. C.; 180 cases at Pickens, S. C.; and 45 cases at Seneca, S. C., alleging that the article had been shipped in interstate commerce by the Producers Peanut Co., Inc., from Suffolk, Va., within the period from on or about February 21 to on or about May 4, 1940; and charging that it was adulterated, and that one lot was also