

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 944, FOOD AND DRUGS ACT.

ADULTERATION OF SHELLED PEANUTS.

On or about October 5 and 7, 1910, the Gwaltney-Bunkley Peanut Company, Smithfield, Va., shipped from the State of Virginia into the State of Maryland two consignments of, respectively, 33 and 10 bags of shelled peanuts. The product contained in the first of these shipments was labeled "Spanish Shelled Peanuts, J. E. Schaeffer, Baltimore, Md.", and that in the second "No. 2 Gwaltney's Screened and Hand-picked Shelled Peanuts. J. E. Schaeffer, Balto., Md." Samples from these shipments were procured and examined by the Bureau of Chemistry, United States Department of Agriculture, and the product contained in the first of these shipments was found to contain 10.8 per cent of worm-eaten nuts, one live worm, 5.2 per cent lumps of dirt and stones, and 0.6 per cent of sticks, while that taken from the latter shipment was found to contain 25 per cent worm or insect eaten nuts, while 5.7 per cent of the nuts were shrunk and 0.5 per cent dark and rancid. As it appeared from the findings of the analyst and report thereon that the product was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, and was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the District of Maryland.

In due course two libels were filed in the District Court of the United States for said district, against the said 33 and 10 bags of shelled peanuts, respectively, charging the above shipments and alleging that the product so shipped was adulterated because the worm and insect eaten, shrunk, dark, and rancid nuts, etc., above referred to had been mixed with the product so as to reduce, lower, and injuriously affect its quality and had been substituted in part for the product, and because said peanuts consisted in part of a

filthy, decomposed, and putrid vegetable substance, to wit, worm and insect eaten nuts, etc., and praying seizure, condemnation, and forfeiture of the product.

On December 6, 1910, the above mentioned Gwaltney-Bunkley Peanut Company entered its appearance and filed claims to the above product, admitting the allegations of the above libels and consenting to such decrees as should seem fitting in the premises. On the last mentioned date the causes were heard on the above libels and claims, and the court, being fully informed in the premises, issued its decrees finding the product to be adulterated as alleged in said libels, and ordering the destruction thereof by the marshal of said district, with a proviso, however, that the said 43 bags of peanuts should be delivered to the said claimant upon the payment of the costs of these proceedings and execution and delivery of good and sufficient bonds aggregating \$200, conditioned that the product should not be sold or otherwise disposed of contrary to law, and conditioned further that the said 43 bags of peanuts should not be sold or disposed of at all for human food unless the same should have been cleaned and all filthy and decomposed vegetable substance, and all worm-eaten, shriveled, and decayed peanuts removed therefrom. On the same day said claimant paid the costs and furnished bonds as provided in said decrees, and the product was forthwith delivered to it.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *June 10, 1911.*