

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 945, FOOD AND DRUGS ACT.

ADULTERATION OF SHELLED PEANUTS.

On or about October 28, 1910, the Franklin Peanut Company, Franklin, Va., shipped from the State of Virginia into the State of Maryland twenty bags of a food product labeled "No. 2 Virginia Shelled Peanuts." A sample from this shipment was procured and examined by the Bureau of Chemistry, United States Department of Agriculture, and 28 per cent of the nuts were found to be worm-eaten and 2 per cent shriveled and decayed. 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.

On November 3, 1910, a libel was filed in the District Court of the United States for said district against the said 20 bags of peanuts, charging the above shipment and alleging that the product so shipped was adulterated because it consisted in part of a filthy and decomposed vegetable substance, to wit, 28 per cent of worm-eaten nuts, and praying seizure, condemnation, and forfeiture of the product.

On November 19, 1910, the above mentioned Franklin Peanut Company entered its appearance and filed a claim to the above product, admitting the allegations of the foregoing libel and consenting to such decree as should seem fitting in the premises. On the last mentioned date the cause came on for hearing on the above libel and claim, and the court, being fully informed in the premises, issued its decree finding the product to be adulterated as alleged in said libel, condemning and forfeiting the same to the use of the United States, and ordering the destruction of said product, with the proviso, however, that it should be released to the claimants upon payment of the costs of these proceedings and the execution and delivery of a good and sufficient bond in the penal sum of \$150, conditioned that

the product should not be sold or disposed of contrary to law, and conditioned further that the said 20 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 November 22, 1910, the claimant paid the costs and furnished the bond provided in said decree and the product was forthwith released 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.*