

28835. Adulteration and misbranding of shelled peanuts. U. S. v. 202 Bags of Shelled Peanuts. Consent decree of condemnation. Product released under bond. (F. & D. No. 42072. Sample No. 9865-D.)

This product was dirty and the bags containing it bore no quantity of contents statement.

On March 26, 1938, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 202 bags of shelled peanuts at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about February 25, 1938, from Petersburg, Va., by the J. B. Worth Co., of Petersburg, Va., and charging misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

It was alleged to be misbranded in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since no quantity was stated.

On March 30, 1938, Lummis & Co., Philadelphia, Pa., claimant, having consented to the entry of a decree, judgment of condemnation was entered, and the product was ordered released under bond, conditioned that it be not disposed of contrary to law.

M. L. WILSON, *Acting Secretary of Agriculture.*

28836. Adulteration of butter. U. S. v. 55 Tubs of Butter. Consent decree of condemnation. Product released under bond. (F. & D. No. 41912. Sample Nos. 2769-D, 3208-D.)

This product contained less than 80 percent of milk fat.

On February 28, 1938, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 55 tubs of butter at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about May 6, 1937, from Chicago, Ill., by L. D. Schreiber Co., Inc., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat.

On March 10, 1938, the Wilsey Bennett Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it not be disposed of contrary to law.

M. L. WILSON, *Acting Secretary of Agriculture.*

28837. Adulteration and misbranding of egg noodles. U. S. v. 10 Cartons, 60 Cartons, 20 Cartons, and 20 Cartons of Egg Noodles. Default decree of condemnation. Product delivered to charitable institutions. (F. & D. No. 41675. Sample Nos. 1437-D to 1440-D, incl.)

This product was deficient in egg content. A portion also contained added color and a portion was short weight.

On February 10, 1938, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 110 cartons of egg noodles at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about January 21, 1938, from Wilkes-Barre, Pa., by Blue Ribbon Egg Noodle Co., Inc., and charging adulteration and misbranding, in violation of the Food and Drugs Act.

The article, except the 10-carton lot, was alleged to be adulterated in that it was colored in a manner whereby inferiority was concealed.

The entire shipment was alleged to be misbranded in that the statement "Pure Egg Noodles" was false and misleading and tended to deceive and mislead the purchaser when applied to articles deficient in egg content; and, except in the case of the 10-carton lot, when applied to articles that contained added yellow coal-tar color. The 10-carton lot was alleged to be misbranded further in that the statement "Net Wt. 1 Lb." was false and misleading and tended to deceive and mislead the purchaser as applied to an article that was short weight.

On March 18, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

M. L. WILSON, *Acting Secretary of Agriculture.*