

was subsequently amended in order to include the Wilder Pecan Co., a corporation, Albany, Ga. The complaint alleged that the defendants from on or about February 27, 1940, to the date of filing the complaint had been shelling and packing pecan meats under insanitary conditions whereby they might have become contaminated with filth; that the food so prepared and packed was adulterated in that it consisted in whole or in part of a filthy substance which was unfit for food and that it was being offered for interstate shipment at various intervals; that the defendants had been warned to remedy the defects existing in their method of operation and warned not to ship products which were adulterated; that they had failed to remedy the said defects and were continuously shelling and packing adulterated pecans; and that the complainant believed they would continue to ship such food in interstate commerce. The complaint prayed (1) that the defendants be summoned to appear on a certain day and answer the allegations of the complaint; (2) that after hearing a preliminary injunction be issued; and (3) that after due proceedings the preliminary injunction be made permanent.

On March 27, 1942, the defendants were ordered to show cause why a preliminary injunction should not issue as prayed. On April 21, 1942, no answer having been filed and the defendants having consented to the entry of a decree, judgment was entered perpetually enjoining the defendants and all persons acting on their behalf from introducing or delivering for introduction in interstate commerce any adulterated pecans or other food products which they had processed or manufactured or would process or manufacture in the future.

**3791. Adulteration of black walnut meats. U. S. v. 11 Barrels of Walnut Meats (and 2 other seizure actions against black walnut meats). Default decrees of condemnation and destruction. (F. D. C. Nos. 7041, 7092, 7524, 7525. Sample Nos. 61219-E, 61233-E, 61240-E, 61273-E, 61274-E.)**

All four lots of this product were found to contain *Escherichia coli*, indicating pollution of fecal origin. Two of the lots also contained hairs resembling those of rodents, and one lot contained moldy nuts.

On March 16 and 27 and May 19, 1942, the United States attorney for the Western District of Washington filed libels against a total of 23 barrels and 20 boxes of walnut meats at Seattle, Wash., alleging that the article had been shipped in interstate commerce within the period from on or about March 17, 1941, to on or about April 14, 1942, by F. M. Pfeiffer from Chico, Calif.; and charging that it was adulterated. Portions of the article were labeled in part: (Box) "Calif. Black Walnuts Fine"; or (barrel) "Golden Bear California Black Walnut Kernels."

Adulteration was alleged with respect to three of the lots in that they consisted in whole or in part of filthy substances; and with respect to the remaining lot, that it consisted in whole or in part of a filthy and decomposed substance.

On July 22, 1942 no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**3792. Adulteration of black walnut meats. U. S. v. 5 Boxes of Black Walnut Meats. Default decree of condemnation and destruction. (F. D. C. No. 7158. Sample No. 71264-E.)**

This product contained *E. coli*.

On April 8, 1942, the United States attorney for the Southern District of Illinois filed a libel against 5 boxes of black walnut meats at Peoria, Ill., alleging that the article had been shipped in interstate commerce on or about February 20, 1942, by Mound City Shelled Nut Co. from St. Louis, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On July 27, 1942 no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3793. Adulteration of shelled walnuts. U. S. v. 2 Cartons and 6 Cartons of Shelled Walnuts. Default decree of condemnation and destruction. (F. D. C. No. 7365. Sample Nos. 72796-E, 72797-E.)**

This product contained rodent hairs.

On April 21, 1942, the United States attorney for the District of Arizona filed a libel against 8 25-pound cartons of shelled walnuts at Phoenix, Ariz., alleging that the article had been shipped on or about March 17, 1942, by Granton & Co. from Los Angeles, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with

filth. The article was labeled in part: (Carton) "Packed For General Grocery Co. California Shelled Walnuts Light Halves [or "Light Pieces"]."

On July 16, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3794. Adulteration of walnut meats. U. S. v. 67 Cartons of Walnut Meats. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 7542. Sample Nos. 61298-E, 85677-E.)**

Examination showed that this product was insect-infested.

On June 2, 1942, the United States attorney for the Western District of Washington filed a libel against 67 cartons, each containing 25 pounds of walnut meats, at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about May 7 and 8, 1942, by Morris Rosenberg from Los Angeles, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On July 9, 1942, Morris Rosenberg, 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 brought into compliance with the law under the supervision of the Food and Drug Administration. The unfit portion was segregated and destroyed.

**PEANUT BUTTER**

**3795. Adulteration and misbranding of peanut butter. U. S. v. 39 Cases and 38 Cases of Peanut Butter. Default decree of condemnation and destruction. (F. D. C. No. 7401. Sample Nos. 84586-E, 84587-E.)**

Examination showed that this product contained dirt; also that a portion was short of the declared weight.

On April 28, 1942, the United States attorney for the Northern District of New York filed a libel against 77 cases, each containing 12 jars of peanut butter—39 cases at Syracuse, N. Y., and 38 cases at Oswego, N. Y., alleging that the article had been shipped in interstate commerce on or about March 23, 1942, by the Old Reliable Peanut Co. from Suffolk, Va.; and charging that it was adulterated and misbranded. It was labeled in part: "Golden Tint Brand \* \* \* Peanut Butter 2 Lbs. Net Weight [or "24 ozs. Net Weight"]."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance. The lot seized at Oswego was alleged to be misbranded (1) in that the statements "2 Lbs. Net Weight" and "24 Ozs. Net Weight" were false and misleading as applied to an article that was short weight; and (2) in that it was in package form and did not bear a label containing an accurate statement of the quantity of the contents.

On June 12, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3796. Adulteration and misbranding of peanut butter. U. S. v. 88 Cases, 47 Cases, and 68 Cases of Peanut Butter (and 2 other seizure actions against peanut butter). Default decrees of condemnation and destruction. (F. D. C. Nos. 7512, 7988, 7989. Sample Nos. 92484-E, 92485-E, 93519-E.)**

Samples of this product were found to contain rodent excreta, hairs resembling those of rodents, and dirt.

On May 15 and August 3 and 25, 1942, the United States attorneys for the Western District of Washington and the District of Arizona filed libels against 88 cases each containing 24 1-pound jars, 47 cases each containing 12 1½-pound jars, and 68 cases each containing 12 2-pound jars of peanut butter at Tacoma, Wash.; 27 cases each containing 12 2-pound jars of peanut butter at Phoenix, Ariz.; and 41 cases each containing 24 1-pound jars, 16 cases each containing 1 dozen 24-ounce jars, and 39 cases each containing 12 2-pound jars of peanut butter at Tucson, Ariz., alleging that the article had been shipped in interstate commerce on or about March 9 and 24, 1942, by Swift & Co., in part from North Portland, Oreg., and in part from Fort Worth, Tex.; and charging that it was adulterated and that portions were also misbranded. The article was labeled in part: "Jane Goode Peanut Butter."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

The pound and 1½-pound jars located at Tucson were alleged to be misbranded (1) in that the statements "1 Lb. Net Weight" and "1 Lb. 8 Oz. Net" on the labels were false and misleading since the jars were short of the declared