

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

weight; and (2) in that they were in package form and failed to bear labels containing accurate statements of the quantity of the contents.

On July 27, October 14, and November 6, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**3797. Misbranding of peanut butter. U. S. v. 99 Cases of Peanut Butter. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 7394. Sample Nos. 80070-E, 80743-E.)**

This product was short of the declared weight.

On April 23, 1942, the United States attorney for the Southern District of Ohio filed a libel against 99 cases, each containing 24 jars, of peanut butter at Portsmouth, Ohio, which had been consigned on or about March 25, 1942, alleging that the article had been shipped in interstate commerce by Standard Food Products, Inc., from Indianapolis, Ind.; and charging that it was misbranded in that the statement on the jar label, "Contents 1 Pound," was false and misleading since it was short of the declared weight, and in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents. It was labeled in part: "Top-O Tops 'em all Peanut Butter Contents 1 Pound."

On May 21, 1942, Standard Food Products, Inc., having appeared as claimant, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration.

## FATS AND OILS

### OLEOMARGARINE

**3798. Misbranding of oleomargarine. U. S. v. Churngold Corporation. Plea of guilty. Fine, \$400. (F. D. C. No. 7242. Sample Nos. 48772-E, 64371-E.)**

On July 31, 1942, the United States attorney for the Southern District of Ohio filed an information against the Churngold Corporation, Cincinnati, Ohio, alleging shipment on or about October 16 and 19, 1941, from the State of Ohio into the States of Pennsylvania and Florida of quantities of oleomargarine that was misbranded. The article was labeled in part: "Blue Ribbon \* \* \* Oleomargarine."

It was alleged to be misbranded in that it purported to be and was represented as oleomargarine, a food for which a definition and standard of identity had been prescribed by regulation as provided by law but which did not conform to such definition and standard since it contained less than 80 percent of fat, the amount required by the standard.

On August 7, 1942, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$400.

**3799. Misbranding of oleomargarine. U. S. v. 106 Cases of Oleomargarine. Product ordered released under bond to be reprocessed and relabeled. (F. D. C. No. 7043. Sample No. 53697-E.)**

On March 14, 1942, the United States attorney for the District of Utah filed a libel against 106 cases, each containing 30 pounds, of oleomargarine at Salt Lake City, Utah, alleging that the article has been shipped in interstate commerce on or about February 23, 1942, by Vegetable Oil Products Co., Inc., from Wilmington, Calif.; and charging that it was misbranded. It was labeled in part: "Sunnybank Vegetable Vitamin A Added Oleomargarine."

It was alleged to be misbranded: (1) In that the statement on the wrapper, "Vegetable Fat 81 percent," was false and misleading since it contained less than 81 percent of fat. (2) In that it purported to be a food for which a definition and standard of identity had been prescribed by regulations as provided by law and it failed to conform to such definition and standard since it contained less than 80 percent of fat.

On March 17, 1942, Safeway Stores, Inc., Salt Lake City, Utah, having appeared as claimant, judgment was entered ordering that the product be released under bond conditioned that it be reprocessed and relabeled under the supervision of the Food and Drug Administration.

### OLIVE OIL

**3800. Adulteration and misbranding of oil. U. S. v. 55 1-Gallon Cans of Oil. Decree of condemnation. Product ordered destroyed. (F. D. C. No. 2494. Sample No. 2827-E.)**

On August 5, 1940, the United States attorney for the District of Maine filed a libel (amended October 1, 1940) against 55 1-gallon cans of oil at Portland, Maine, alleging that the article had been shipped in interstate commerce on or