

Products Co. from New York, N. Y.; and charging that they were misbranded. They were labeled in part: (Jars) "Currant Jelly [or "Grape Jelly"] (Below Standard) Ingredients:—Currant Juice [or "Grape Juice"], Cane Sugar, Pectin, Water, Certified Food Color, Citric Acid"; or "Orange Marmalade Ingredients:—Orange Peel, Sugar, Water, Pectin, Citric Acid."

The articles were alleged to be misbranded in that they were imitations of other foods and their labels failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated. The orange marmalade and grape jelly were alleged to be misbranded further in that they were offered for sale under the names of other foods. The orange marmalade was alleged to be misbranded further in that the statement "Orange Marmalade Ingredients:—Orange Peel, Sugar, Water, Pectin, Citric Acid" was false and misleading as applied to an article containing no orange juice, and containing phosphoric acid and an artificial coal-tar color; and in that it contained artificial coloring but did not bear labeling stating that fact. The grape jelly was alleged to be misbranded further in that the statement "Ingredients:—Grape Juice, Cane Sugar, Pectin, Water, Certified Food Color, Citric Acid" was misleading as applied to an article containing phosphoric acid.

On August 14, 1942, no claimant having appeared, judgment of condemnation was entered and the products were ordered delivered to a charitable institution.

**3984. Adulteration and misbranding of "Tang" Radish. U. S. v. 9 Cases of Tang Radish. Default decree of condemnation and destruction. (F. D. C. No. 7131. Sample No. 89169-E.)**

This product consisted essentially of ground parsnip root in a pungent liquid similar in flavor to horseradish, and contained little or no horseradish.

On April 4, 1942, the United States attorney for the District of Connecticut filed a libel against 9 cases of "Tang" Radish at New Britain, Conn., alleging that the article had been shipped in interstate commerce on or about March 5, 1942, by the New Jersey Empire Pickle Works from Newark, N. J.; and charging that it was adulterated and misbranded. The article was labeled in part: (Bottles) "Boyd Brand 'Tang' Radish Contains Horseradish, Parsnip Roots, Alum, Salt, Distilled Vinegar and Imitation Oil Of Horseradish."

It was alleged to be adulterated in that a valuable constituent, horseradish, had been in whole or in part omitted therefrom.

The article was alleged to be misbranded in that it was an imitation of another food, horseradish, and its label failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated.

On August 25, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3985. Adulteration of hot sauce. U. S. v. 25 Cases and 36 Cases of Hot Sauce. Default decree of condemnation and destruction. (F. D. C. No. 7627. Sample Nos. 92455-E, 92456-E.)**

This product contained mold, indicating the presence of decomposed material.

On June 9, 1942, the United States attorney for the District of Arizona filed a libel against a total of 61 cases of hot sauce at Tucson, Ariz., alleging that the article had been shipped in interstate commerce on or about February 20, 1942, by the Arkansas Vinegar Co., from Shreveport, La.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Bottles) "Louisiana The Perfect Hot Sauce Net Cont. 6 Fl. Oz. [or "3 Fl. Oz."] \* \* \* Louisiana Foods Company Shreveport, La."

On July 6, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

## NUTS AND NUT PRODUCTS

**3986. Adulteration of peanuts. U. S. v. 30 Sacks of Peanuts. Default decree of condemnation and destruction. (F. D. C. No. 7590. Sample No. 71960-E.)**

This product was insect-infested.

On May 29, 1942, the United States attorney for the Eastern District of Missouri filed a libel against 30 sacks of peanuts at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about December 26, 1941, by Swift & Co. Oil Mill, from Albany, Ga.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance.

On August 31, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3987. Adulteration of pecan meats. U. S. v. 5 Cases and 15 Cases of Pecan Meats. Default decrees of condemnation and destruction. (F. D. C. Nos. 7616, 7631. Sample Nos. 7777-E, 92080-E.)**

Both lots of this product contained rodent hairs and one lot also contained insect fragments.

On June 8 and 9, 1942, the United States attorney for the Southern District of California filed libels against a total of 20 cases of pecan meats at San Diego, Calif., alleging that the article had been shipped in interstate commerce within the period from on or about April 11 to on or about May 23, 1942, by James Jefferson from Yuma, Ariz.; 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 31, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**3988. Misbranding of peanut butter. U. S. v. 14 Cases and 42 Cases of Peanut Butter. Default decree of condemnation. Product ordered distributed for charitable purposes. (F. D. C. No. 7610. Sample Nos. 79686-E, 79687-E.)**

On June 16, 1942, the United States attorney for the Eastern District of Kentucky filed a libel against 14 cases, each containing 12 1½-pound jars, and 42 cases, each containing 24 12-ounce jars, of peanut butter at Middlesboro, Ky., alleging that the article had been shipped in interstate commerce on or about February 11 and March 16, 1942, by Dee's Foods, Inc., from Bristol, Va., and Bristol, Tenn.; and charging that it was misbranded.

The article was alleged to be misbranded in that it was in package form and failed to bear labels containing accurate statements of the quantity of the contents. It was alleged to be misbranded further in that the statements on the labels: (Portion) "Dee's Peanut Butter \* \* \* Contents 1 Lb. 8 Ozs." and (remainder) "Four Star Peanut Butter Contents 12 Oz. Net Wt.," were false and misleading since the jars contained less than the amounts declared.

On July 9, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered distributed for charitable purposes.

**3989. Adulteration and misbranding of peanut butter. U. S. v. 29 Cases of Peanut Butter. Consent decree of condemnation and destruction. (F. D. C. No. 7930. Sample No. 71561-E.)**

This product contained dirt and was also short of the declared weight.

On July 15, 1942, the United States attorney for the Eastern District of Illinois filed a libel against 29 cases, each containing 24 jars, of peanut butter at Mt. Vernon, Ill., alleging that the article had been shipped in interstate commerce on or about January 16, 1942, by Sweet Adeline Foods, Inc., from Louisville, Ky.; and charging that it was adulterated and misbranded. It was labeled in part: (Jars) "Honey Dew Net Wt. 6 Ozs. Quality Peanut Butter."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy, putrid or decomposed substance.

It was alleged to be misbranded in that the statement "Net Wt. 6 Ozs." was false and misleading in that 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.

On August 4, 1942, the Sweet Adeline Foods, Inc., having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

### CANDY

**3990. Adulteration of candy. U. S. v. Leonard J. Elmer and John W. Huggett (Receivers for Elmer Candy Co., Inc.). Pleas of nolo contendere. Fine of \$75 against defendant Elmer and \$25 against defendant Huggett. (F. D. C. No. 5523. Samples Nos. 11216-E, 11220-E, 11222-E, 31780-E, 37139-E, 43849-E, 43859-E, 55740-E.)**

Samples of this product were found to contain rodent hairs and other filth.

On January 15, 1942, the United States attorney for the Eastern District of Louisiana filed an information against Leonard J. Elmer and John W. Huggett, receivers for Elmer Candy Co., Inc., New Orleans, La., alleging shipment within the period from on or about October 31, 1940, to on or about January 3, 1941,