VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy substances, since it contained rodent excreta and rodent hair fragments; and, Section 402 (a) (4), it had been stored under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: May 3, 1944. United States Cold Storage Co., appeared as claimant. Judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The unfit portion was segregated and disposed of as stock feed.

5980. Adulteration of peanut butter. U. S. v. 70 Cases and 20 Cases of Peanut Butter. Default decree of condemnation. Product ordered destroyed. (F. D. C. No. 10500. Sample No. 16081–F.)

LIBEL FILED: September 1, 1943, District of Idaho.

ALLEGED SHIPMENT: On or about October 30, 1942, by Jaxon Foods, Inc., Jacksonville, Fla.

PRODUCT: 70 cases, each containing 12 1½-pound jars, and 20 cases, each containing 24 1-pound jars, of peanut butter at Pocatello, Idaho.

LABEL, IN PART: "Little Moore Brand Peanut Butter"

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of dirt or grit.

DISPOSITION: October 22, 1943. No claimant having appeared, judgment of condemnation was entered and the product was ordered to be delivered to the Idaho Salvage Committee of the War Production Board. Upon refusal of the Committee to accept the product, an amended decree was entered on January 24, 1944, ordering the destruction of the peanut butter.

5981. Adulteration and misbranding of peanut butter. U. S. v. 67 Cases of Peanut Butter (and 3 other seizure actions against peanut butter). Decrees of condemnation. Portions of product ordered released under bond, one lot to be relabeled, one lot to be repackaged, and one lot to be used as animal food. The remaining lot was ordered to be delivered to a charitable institution. (F. D. C. Nos. 11026, 11659, 11888, 12033. Sample Nos. 35738–F, 36666–F, 36667–F, 37390–F, 57240–F.)

LIBELS FILED: October 30, 1943, District of Colorado; January 17, 1944, District of Maryland; February 28, 1944, Western District of South Carolina; March 22, 1944, District of New Jersey.

ALLEGED SHIPMENT: On various dates between March 8 and December 7, 1943, from Haddock, Ga., by the Cherokee Products Co.

PRODUCT: 67 cases of peanut butter at Grand Junction, Colo., 145 cases at Baltimore, Md., 87 cases at Greenville, S. C., and 80 cases at Carlstadt, N. J.

LABEL, IN PART: "Georgia Gold Peanut Butter Net Weight 1 Lb. [or "2 Lbs.," or "12 Ozs."] Peanut Butter," or "O'Sage Brand Contents 12 Oz."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product (Baltimore lot) consisted in whole or in part of a filthy substance by reason of the presence of insect fragments.

Misbranding, Section 403 (a), the product at Grand Junction, Greenville, and Carlstadt, was misbranded in that the statements of the quantity of contents, appearing in the label, were false and misleading as applied to a product which was short-weight; and, Section 403 (e) (2), the product was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: December 7 and 22, 1943, and March 24 and June 1, 1944. The Cherokee Products Co., claimant for the lots at Grand Junction, Baltimore, and Carlstadt, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond, the 67 cases of peanut butter at Grand Junction, Colo., to be relabeled; the 80 cases at Carlstadt, N. J., to be repackaged or refilled to the declared weight; and the 145 cases at Baltimore, Md., to be used for animal feed. No claimant having appeared for the 87 cases at Greenville, S. C., judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

5982. Adulteration of piñon nuts. U. S. v. 900 Sacks of Piñon Nuts. Decree of condemnation. Product ordered released under bond for cleaning. (F. D. C. Nos. 11862, 11865, 11866. Sample No. 39661–F.)

LIBEL FILED: February 18, 1944, Southern District of California.