

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: July 25, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6174. Misbranding of mustard and peanut butter. U. S. v. Food Specialties, Inc. Plea of guilty. Fine, \$25. (F. D. C. No. 10544. Sample Nos. 31892-F, 31894-F, 31896-F, 49018-F, 49176-F, 49177-F.)

INFORMATION FILED: On May 16, 1944, in the Southern District of Indiana, against Food Specialties, Inc., Indianapolis, Ind.

ALLEGED SHIPMENT: From on or about September 28, 1942, to November 22, 1943, from the State of Indiana into the State of Ohio.

LABEL, IN PART: "Contents 1 Pint Newton's Pure Mustard * * * Packed by Newton Mfg. Co., Cincinnati, Ohio," or "Ambassador * * * Mustard [or "Peanut Butter"]."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statement "Contents 1 Pint," borne on the jars of mustard, and the statements "Net Wt. 1 Lb." and "Net Wt. 9 Oz.," borne on the jars of peanut butter, were false and misleading as applied to articles that were short-weight; and, Section 403 (e) (2), the articles were in package form and failed to bear labels containing an accurate statement of the quantity of the contents.

DISPOSITION: June 3, 1944. The defendant having entered a plea of guilty, a fine of \$25 was imposed.

6175. Misbranding of peanut butter. U. S. v. 951 Cases and 726 Cases of Peanut Butter. Consent decree of condemnation. Product ordered released under bond to be refilled or repackaged. (F. D. C. No. 12032. Sample No. 57230-F.)

LIBEL FILED: March 27, 1944, District of New Jersey.

ALLEGED SHIPMENT: On or about September 8, 1943, from Waverly, N. Y., by the Grand Union Co.

PRODUCT: 951 cases, each containing 24 12-ounce jars, and 726 cases, each containing 12 1½-pound jars, of peanut butter at Carlstadt, N. J.

LABEL, IN PART: "Georgia Gold Net Weight 12 Ozs. [or "Net Wt. 1 Lb. 8 Ozs."] Peanut Butter Manufactured by Cherokee Products Co. Haddick, Ga."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), in that the statements "Net Weight 12 Ounces," and "Net Weight 1 Lb. 8 Ozs.," were false and misleading as applied to an article that was short-weight; and, Section 403 (e) (2), in that the product was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: June 1, 1944, the Cherokee Products Co. having appeared as claimant and admitted the allegations of the libel, a consent decree of condemnation was entered and the product was ordered released under bond to be repackaged or refilled to the declared weight.

6176. Misbranding of peanut butter. U. S. v. 35 Cases of Peanut Butter. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 11149. Sample No. 50111-F.)

LIBEL FILED: November 24, 1943, Northern District of Ohio.

ALLEGED SHIPMENT: On or about October 12, 1943, by the Moss Bros. Nut Co., Pittsburgh, Pa.

PRODUCT: 35 cases, each containing 24 jars, of peanut butter, at Youngstown, Ohio.

LABEL, IN PART: (Jars) "Radiant Double A-A Grade Peanut Butter * * * Net Wt. 1 Lb."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statement "Net Wt. 1 Lb.," appearing in the labeling, was false and misleading as applied to an article that 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: June 21, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.