

6378. Adulteration and misbranding of peanuts, shelled cashew nuts, shelled mixed nuts, and shelled pecans. U. S. v. 28 Cases of Peanuts (and 2 other seizure actions involving peanuts, cashew nuts, mixed nuts, and pecans). Default decrees of condemnation. One lot ordered destroyed; remaining lots ordered sold for reprocessing into inedible fats and oils. (F. D. C. Nos. 11592, 11723, 11734. Sample Nos. 8049-F, 8290-F, 8291-F, 40631-F, 40720-F.)

LIBELS FILED: Between January 10 and 31, 1944, Northern District of Iowa and District of Minnesota.

ALLEGED SHIPMENT: From on or about November 10, 1943, to January 3, 1944, by the Very Fine Packing Co., from Beaver Dam, Wis.

PRODUCT: Peanuts: 28 cases at Minneapolis, Minn., 85 cases at Dubuque, Iowa, and 100 cases at Sioux City, Iowa, each case containing 24 jars.

Cashew nuts, mixed nuts, or pecans: 28 cases at Sioux City, Iowa, each case containing 24 jars.

LABEL, IN PART: (Jars) "House of Quality" Very Fine Quality Confectionery * * * Net Wt. When Packed $\frac{1}{2}$ Oz. or Over."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (4), a substance, mineral oil, having no food value, had been added to the articles or mixed or packed therewith so as to reduce their quality or strength; and, Section 402 (d), they were labeled "Confectionery" and contained a non-nutritive substance, mineral oil.

Misbranding, Section 403 (a), the statement, "Net Wt. When Packed $\frac{1}{2}$ Oz. or Over," which appeared on the label in almost illegible type, was false and misleading as applied to the articles, the average weight of which was, in the case of the peanuts, from 6.34 ounces to 6.74 ounces and, in the case of the cashew nuts, mixed nuts, and pecans, from 1.93 ounces to 2.69 ounces; Section 403 (e) (2), the articles were in package form and their labels failed to bear prominently an accurate statement of the quantity of the contents; and, Section 403 (i) (1), the label of each article failed to bear the common or usual name of the food.

DISPOSITION: Between February 29 and March 3, 1944, no claimants having appeared, judgments of condemnation were entered. The Minneapolis lot was ordered destroyed. The other two lots were ordered sold, conditioned that they be reprocessed into inedible fats and oils. No bids having been received for the Sioux City lot, it was destroyed. The Dubuque lot was sold to a rendering plant, the glass jars having been sold to a packing company.

6379. Adulteration of peanut butter. U. S. v. Rainer Packing Co. Plea of guilty. Fine, \$50. (F. D. C. No. 9695. Sample No. 32655-F.)

INFORMATION FILED: On February 18, 1944, in the Middle District of Alabama, against the Rainer Packing Co., a corporation of Montgomery, Ala.

ALLEGED SHIPMENT: From on or about January 12 to 14, 1943, from the State of Alabama into the State of Tennessee.

LABEL, IN PART: (Jar) "Brownee Peanut Butter * * * Brownee Company * * * Montgomery, Alabama."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of detached rat or mouse hair fragments, and rat or mouse excreta fragments with hair attached; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: February 24, 1944. The defendant having entered a plea of guilty, the court imposed a fine of \$50.

6380 Adulteration and misbranding of peanut butter. U. S. v. 65 Cases of Peanut Butter (and 2 other seizure actions against peanut butter). Decrees of condemnation. One lot ordered released under bond to be re-labeled; one lot ordered delivered to the United States Army; and the remaining lot ordered delivered to a Federal institution, for use as animal feed. (F. D. C. Nos. 10435, 10960, 11756. Sample Nos. 6862-F, 35744-F, 48708-F, 48709-F.)

LIBELS FILED: Between August 18, 1943, and February 7, 1944, Middle District of Tennessee, Western District of South Carolina, Eastern District of Illinois.

ALLEGED SHIPMENT: From on or about July 18 to December 23, 1943, by the Dillon Candy Co., Inc., Jacksonville, Fla.

PRODUCT: Peanut butter: 149 cases, each containing 24 1-pound jars, and 98 cases, each containing 24 12-ounce jars, at Pulaski, Tenn.; 65 cases, each con-

taining 12 2-pound jars, at Greenville, S. C.; and 247 cases, each containing 24 6-ounce jars, at East St. Louis, Ill.

LABEL, IN PART: (Jars) "Armour's Star Peanut Butter * * * 6 Oz. Avoir. Net [or "2 Lbs. Net"] Armour and Company Distributors * * * Chicago, Ill.," or "Fresh Maid Peanut Butter Net 1 Lb. [or "Net 12 Oz."]."

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

Misbranding (remaining lots), Section 403 (a), the statements which appeared on the labels (149 cases) "Net 1 Lb.," (98 cases) "Net 12 Oz.," and (247 cases) "6 Oz. Avoir. Net," were false and misleading as applied to the articles, which were short-weight; and, Section 403 (e) (2), the article was in package form and its label failed to bear an accurate statement of the quantity of the contents.

DISPOSITION: December 14, 1943. The Dillon Candy Co., Inc., claimant for the Pulaski lots, having admitted the facts in the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under Government supervision. No claimant having appeared for the remaining lots, judgments of condemnation were entered on March 21 and April 24, 1944, and the Greenville lot was ordered shipped to a Federal penitentiary, to be used as animal feed, and the East St. Louis lot was ordered delivered to the United States Army.

6381. Adulteration and misbranding of Choc-O-P'Nut But'r Spread. U. S. v. 25 Cases of Choc-O-P'Nut But'r Spread. Default decree of condemnation. Product ordered delivered to a local institution. (F. D. C. No. 10917. Sample No. 39493-F.)

LIBEL FILED: October 18, 1943, District of Arizona.

ALLEGED SHIPMENT: On or about August 27, 1943, by Elizabeth Moté, Hollywood, Calif.

PRODUCT: 25 cases, each containing 24 14½-ounce jars, of Choc-O-P'Nut But'r Spread, at Hollbrock, Ariz.

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), a mixture consisting of peanuts, sugar, water, corn sirup, dextrose, cocoa or chocolate, and salt had been substituted for "Chocolate Flavored Peanut Butter," which the article purported to be.

Misbranding, Section 403 (a), the prominent designation, "Choc-O-P'Nut But'r Chocolate Flavored Peanut Butter Spread," which appeared on the labeling, was false and misleading as applied to the article, since it implied that the product was peanut butter flavored with chocolate; Section 403 (b), it was offered for sale under the name of another food, "Choc-O-P'Nut But'r Chocolate Flavored Peanut Butter Spread," which should consist only of chocolate-flavored peanut butter; and, Section 403 (f), the ingredient statement required by law to appear on the label, was not prominently placed thereon (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase, since it appeared in small print on a side panel.

DISPOSITION: March 17, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a local institution.

6382. Misbranding of peanut butter. U. S. v. 24 Cases and 36 Cases of Peanut Butter. Consent decrees of condemnation. Product ordered released under bond to be relabeled. (F. D. C. Nos. 11666, 11667. Sample Nos. 49018-F, 49176-F, 49177-F.)

LIBELS FILED: January 18 and 19, 1944, Southern District of Ohio.

ALLEGED SHIPMENT: On or about November 11 and 22, 1943, by Food Specialties, Inc., Indianapolis, Ind.

PRODUCT: Peanut butter: 24 cases, each containing 24 1-pound jars, at Cincinnati, Ohio; 15 cases, each containing 24 1-pound jars; and 21 cases, each containing 24 9-ounce jars, at Dayton, Ohio.

LABEL, IN PART: (Jar) "Ambassador Net Wt. 1 Lb. [or "9 Ozs."] Peanut Butter."