

7865. Adulteration of peanuts. U. S. v. 70 Bags of Peanuts. Decrees of condemnation. Portion of product ordered released under bond; remainder ordered sold. (F. D. C. Nos. 14505, 14506. Sample Nos. 89698-F, 89699-F.)

LIBEL FILED: November 21, 1944, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about September 26, 1944, by the Birdsong Storage Co., Suffolk, Va.

PRODUCT: 70 85-pound bags of peanuts, at St. Louis, Mo.

LABEL, IN PART: "Birdsong's Star Brand Virginia Hand Picked Jumbo Peanuts."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy and decomposed substances by reason of the presence of insect-damaged and decomposed peanuts.

DISPOSITION: December 21, 1944. The Podolsky Brothers Wholesale Grocers, St. Louis, Mo., having appeared as claimant for a portion of the product and having admitted the allegations of the libel, judgment of condemnation was entered against that portion and it was ordered released under bond to be brought into compliance with the law or destroyed, under the supervision of the Food and Drug Administration. On December 27, 1944, no claimant having appeared for the remainder of the product, judgment of condemnation was entered and the product was ordered sold to the highest bidder, for use in compliance with the law.

7866. Adulteration of peanut butter. U. S. v. Kimbell Milling Co. (Kimbell Food Products Co.). Plea of guilty. Fine, \$500 on count 1; sentence suspended on count 2, and defendant placed on probation for 6 months. (F. D. C. No. 14220. Sample Nos. 43894-F, 66759-F.)

INFORMATION FILED: December 19, 1944, Northern District of Texas, against the Kimbell Milling Co., a corporation trading as the Kimbell Food Products Co., Forth Worth, Tex.

ALLEGED SHIPMENT: On or about December 15, 1943, and February 22, 1944, from the State of Texas into the States of Oklahoma and Kansas.

LABEL, IN PART: "K B * * * Peanut Butter [or "Peanut Krackel"]."

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 rat or mouse excreta fragments and hairs in one lot, and sand, dirt, stones, hard seeds, and hard pieces of stem in the remaining lot; and, Section 402 (a) (4), one lot had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 9, 1945. A plea of guilty having been entered on behalf of the defendant, a fine of \$500 was imposed on count 1. Imposition of sentence was suspended on count 2, and the defendant was placed on probation for 6 months.

7867. Adulteration of peanut butter. U. S. v. 8 Cases of Peanut Butter. Default decree of condemnation and destruction. (F. D. C. No. 14000. Sample No. 79672-F.)

LIBEL FILED: October 30, 1944, Eastern District of North Carolina.

ALLEGED SHIPMENT: On or about July 15, 1944, by Southgate Foods, from Norfolk, Va.

PRODUCT: 8 cases, each containing 12 jars, of peanut butter at Washington, N. C.

LABEL, IN PART: "Lynnhaven 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.

DISPOSITION: January 26, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7868. Adulteration of peanut butter. U. S. v. 40 Cases of Peanut Butter. Default decree of condemnation and destruction. (F. D. C. No. 14345. Sample No. 63756-F.)

LIBEL FILED: November 1, 1944, Western District of North Carolina.

ALLEGED SHIPMENT: On or about April 11, 1944, by Southgate Foods, from Norfolk, Va.

PRODUCT: 40 cases, each containing 24 1-pound jars, of peanut butter at Gas-tonia, N. C.

LABEL, IN PART: (Jar) "Lynnhaven Brand Peanut Butter."