

**26180. Salted peanuts. (F.D.C. No. 43618. S. No. 45-180 P.)**

QUANTITY: 104 cases, 12 14-oz. cans each, at Denver, Colo.

SHIPPED: 4-15-59, from Chicago, Ill., by Wolch Nut Co.

LABEL IN PART: (Can) "Vacuum Packed Wolch's Fresh Pack Salted Blanched Virginia Peanuts Wolch Nut Co., Chicago, Ill."

LIBELED: 10-26-59, Dist. Colo.

CHARGES 403(d)—when shipped, the container of the article was so filled as to be misleading, since the peanuts occupied less than two-thirds of the can and additional peanuts could be packed in the can with no physical packaging difficulty; 403(e) (2)—the article failed to bear a label containing an accurate statement of the quantity of contents (the article was short weight); and 403(f)—the information required by 403(e) (2) to appear on the label, namely, the quantity of contents statement, was not prominently placed on the label with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: 12-16-59. Default—delivered to a public institution for human consumption.

**26181. Shelled peanuts. (F.D.C. No. 43223. S. Nos. 26-493 P, 26-500 P.)**

INDICTMENT RETURNED: 9-14-59, S. Dist. Iowa, against Peanut Corp. of America, t/a Peanut Products Co., Des Moines, Iowa, and Harry Miller, secretary-treasurer and plant manager of the corporation.

ALLEGED VIOLATION: Between 9-19-58 and 11-28-58, the defendants caused quantities of shelled peanuts, while held for sale after shipment in interstate commerce, to be held in a building that was accessible to rodents and to be exposed to contamination by rodents which act resulted in the article being adulterated.

CHARGE: 402(a) (3)—contained rodent urine, rodent excreta, and rodent-gnawed peanuts; and 402(a) (4)—held under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 12-11-59. Corporation fined \$3,500, individual fined \$1,000, together with costs.

**26182. Shelled peanuts. (F.D.C. No. 43229. S. Nos. 15-922 P, 16-286/7 P, 16-290 P, 16-540 P.)**

INFORMATION FILED: 9-3-59, S. Dist. Ind., against Clark Francis, t/a Peak Nut Co., Indianapolis, Ind.

ALLEGED VIOLATION: Between 3-20-58 and 5-7-59, the defendant caused quantities of peanuts, while held for sale after shipment in interstate commerce, to be held in a building that was accessible to rodents and insects and to be exposed to contamination by rodents and insects which act resulted in the article being adulterated.

CHARGE: 402(a) (3)—contained insects, mouse excreta pellets, rodent hairs, and rodent urine; and 402(a) (4)—held under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 12-3-59. \$300 fine, plus costs.