since they were incorrect. It was alleged to be misbranded further in that it was in package form and did not bear an accurate statement of the quantity of the contents.

On May 31 and June 12, 1940, no claimant having appeared, judgments of condemnation were entered and the lot seized at Columbia, S. C., was ordered destroyed and the lot seized at Greenville, S. C., was ordered delivered to a charitable institution after the labels had been obliterated.

1186. Misbranding of peanut butter. U. S. v. 149 Cases and 103 Cases of Peanut Butter. Default decrees of condemnation. Portion ordered destroyed; remainder distributed to charitable institutions. (F. D. C. Nos. 1592, 2605. Sample Nos. 87797–D, 96510–D, 20084–D.)

Examination showed this product to be short weight.

On March 7 and August 23, 1940, the United States attorneys for the Northern District of Alabama and the Western District of South Carolina filed libels against 149 cases of peanut butter at Birmingham, Ala., and 103 cases of peanut butter at Greenville, S. C., alleging that the article had been shipped in interstate commerce on or about February 6 and July 10, 1940, by the Dillon Candy Co., from Jacksonville, Fla.; and charging that it was misbranded. It was labeled in part: "Best Ever Brand Peanut Butter Net 32 Oz."; or "Dillon's Peanut Butter * * * Net 1 Lb."

The article was alleged to be misbranded in that the statements "Net 32 Oz." and "Net 1 Lb." were false and misleading since they were incorrect. It was alleged to be misbranded further in that it was in package form and did not bear an accurate statement of the quantity of the contents.

On September 4 and 27, 1940, no claimant having appeared, judgments of condemnation were entered, and the product seized at Birmingham was ordered destroyed and that seized at Greenville was ordered distributed to charitable institutions.

1187. Misbranding of peanut butter. U. S. v. 169 Cases of Peanut Butter. Product ordered released under bond. (F. D. C. No. 1783. Sample No. 4776–E.)

This product was short weight.

On April 10, 1940, the United States attorney for the Northern District of Indiana filed a libel against 169 cases of peanut butter at Michigan City, Ind., alleging that the article had been shipped in interstate commerce on or about February 14 and 22, 1940, by Velvet Nut Products, Inc., from Detroit, Mich.; and charging that it was misbranded. It was labeled in part: (Jars) "Contents 2 pounds, Grenadier Peanut Butter."

The article was alleged to be misbranded in that the statement appearing on the label, "Contents 2 Pounds," was false and misleading since it was not true. It was alleged to be misbranded further in that the label failed to bear an accurate statement of the quantity of the contents.

On June 17, 1940, Velvet Nut Products, Inc., claimant, having admitted the allegations of the libel, judgment was entered ordering that the product be released under bond conditioned that it should not be disposed of until brought into complete compliance with the requirements of the law.

1188. Adulteration and misbranding of nut spread. U. S. v. 6 Cases and 8 Cases of Nut Spread. Default decree of condemnation. Product ordered delivered to a welfare organization. (F. D. C. No. 1813. Sample No. 88914–D.)

This product consisted of peanut butter and a fat other than peanut oil. It had been whipped so as to incorporate air in it and was also short of the declared volume.

On April 15, 1940, the United States attorney for the Northern District of Indiana filed a libel against 14 cases of nut spread at Fort Wayne, Ind., alleging that the article had been shipped in interstate commerce on or about February 28, 1940, by Lurch Nut Products, Inc., from Maywood, Ill.; and charging that it was adulterated and misbranded. It was labeled in part: (Jars) "Lurch's Nut Spread [design of peanuts] 8 Fl. Ozs. [or "15 Fl. Ozs."]."

Adulteration was alleged in substance in that a mixture of peanut butter and added foreign fat which had been increased in volume by the incorporation of air had been substituted for peanut butter, which the article purported to be. The article was alleged to be adulterated further in that a substance, air, had been incorporated therein so as to increase its bulk.

It was alleged to be misbranded in that the name "nut spread" and the design of peanuts implying that the product was peanut butter, were false