

**4497. Misbranding of peanut butter and mustard and bran. U. S. v. Dee's Foods, Inc. Plea of guilty. Fine, \$200. (F. D. C. No. 7681. Sample Nos. 79686-E, 79688-E, 87958-E.)**

On November 9, 1942, the United States attorney for the Western District of Virginia filed an information against Dee's Foods, Inc., a corporation, Bristol, Va., alleging shipment within the period from on or about February 11 to on or about March 16, 1942, from the State of Virginia into the States of Kentucky and Tennessee of quantities of peanut butter and mustard and bran that were misbranded. The articles were labeled in part: "Dee's Peanut Butter \* \* \* Contents 1 Lb. 8 Ozs.," "Contents 2 Pounds Dee's Energized Mustard & Bran," or "Four Star \* \* \* Mustard and Mustard Bran Contents 32 Ozs. Net Wt."

The articles were alleged to be misbranded in that the statements, (peanut butter) "Content 1 Lb. 8 Ozs.," and (mustard and bran) "Contents 2 Pounds," or "Contents 32 Ozs Net Wt.," borne on the labels, were false and misleading since the jars of peanut butter contained less than 1 pound 8 ounces, and the jars of mustard and bran contained less than 2 pounds or 32 ounces. The articles were alleged to be misbranded further in that they were in package form and the labels did not bear an accurate statement of the quantity of the contents in terms of weight.

On November 9, 1942, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$200.

**4498. Adulteration of peanut butter, misbranding of pickled pears, and adulteration and misbranding of pickled grapefruit rind and fruit preserves. U. S. v. Golden West Products Co., Inc. Plea of nolo contendere. Fine \$100 on count 1. Imposition of sentence suspended for 1 year on remaining counts. (F. D. C. No. 7724. Sample Nos. 72181-E to 72186-E, incl., 80604-E, 86747-E, 92072-E, 92073-E.)**

Samples of the peanut butter, pickled grapefruit rind, and preserves were found to contain various types of filth such as rodent excreta pellets, rodent and unidentified hairs, and worm and insect fragments. The labels of the grapefruit rind and the pickled pears did not bear a statement on the quantity of the contents, and portions of the fruit preserves were deficient in fruit.

On November 20, 1942, the United States attorney for the Southern District of California filed an information against the Golden West Products Co., Inc., Los Angeles, Calif., alleging shipment within the period from on or about February 28 to on or about March 18, 1942, from the State of California into the States of Arizona, Illinois, and Ohio of quantities of the above-named products which were adulterated and/or misbranded. The articles were labeled in part: "Golden West Brand Pure Peanut Butter"; "Monarch Double Sweet Grapefruit Rind \* \* \* Reid Murdoch & Co. \* \* \* Distributors Chicago, Ill."; "Golden West Brand Sun Ripened Sweet Pickled Pears"; "Golden West Bonnie Brae Brand Pure Strawberry [or "Black Raspberry," "Blackberry," "Boysenberry," or "Youngberry"] Preserves."

The peanut butter, grapefruit rind, and preserves were alleged to be adulterated in that they consisted in whole or in part of filthy substances, and in that they had been prepared under insanitary conditions whereby they might have become contaminated with filth.

Portions of the preserves were alleged to be adulterated further in that imitation black raspberry, blackberry, boysenberry, and youngberry preserves, deficient in fruit, had been substituted in whole or in part for black raspberry, blackberry, boysenberry, and youngberry preserves, which they were represented to be.

Portions of the preserves were alleged to be misbranded (1) in that the statements, "Black Raspberry Preserves," "Blackberry Preserves," "Boysenberry Preserves," and "Youngberry Preserves," were false and misleading when applied to imitation preserves deficient in fruit; (2) in that they were imitations of other foods and their labels did not bear, in type of uniform size and prominence, the word "imitation" and immediately thereafter the names of the foods imitated; (3) in that they purported to be and were represented as black raspberry, blackberry, boysenberry, and youngberry preserves, articles of food for which definitions and standards of identity had been prescribed by regulations promulgated pursuant to law, but they failed to conform to such definitions and standards of identity since they had not been made from mixtures containing not less than 45 parts by weight of one of the various fruit ingredients specified in the said regulations to each 55 parts by weight of one of the optional saccharine ingredients as required by the regulations.