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 ½ 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 ½ 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 relabeled; 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-