

DISPOSITION: 2-19-62. Consent—claimed by Graham Co., New York, N.Y. Segregated; 571 lbs. denatured.

29183. Shelled walnuts and shelled filberts. (F.D.C. No. 48754. S. Nos. 27-197/8 V.)

QUANTITY: 40 35-lb. cases of walnut and filbert meats, and 145 30-lb. cases of walnut meats, at Des Moines, Iowa.

SHIPPED: 3-2-63, from Dundee, Oreg., by Compton Nut Co.

LABEL IN PART: "Walnut-Filbert Meats Compton Nut Company, P.O. Box 1, Dundee, Oregon," "Nuggets L. Oregon Walnut Meats Packed by Shriver Nut Co., Dundee, Oregon."

LIBELED: 4-25-63, S. Dist. Iowa.

CHARGE: 402(a)(3)—contained *E. coli* when shipped.

DISPOSITION: 5-8-63. Consent—claimed by Peanut Products Co., and Compton Nut Co., and reconditioned.

OLEOMARGARINE

29184. Oleomargarine. (F.D.C. No. 45283. S. No. 14-523 R.)

QUANTITY: 69 cases, each containing 30 1-lb. pkgs. of 4 individually wrapped ¼-lb. sticks, at Nashville, Tenn.

SHIPPED: 11-2-60, from Hammond, Ind., by Lever Bros.

LABEL IN PART: (1-lb. pkg.) "Summer Country * * * Margarine * * * Contains * * * Vitamin A, * * * Vitamin D * * * Plus protein, calcium, riboflavin, and phosphorous * * * Lever Bros., New York, N.Y."

LIBELED: 12-8-60, M. Dist. Tenn.

CHARGE: 403(a)—when shipped, the label statement "High-Nutrition" in the setting which had been created by the advertising for the article, represented and suggested that the article was significantly higher in nutrition than margarine and similar spreads available, which representations and suggestions were false and misleading since they were contrary to fact; the label contained statements referring to a "high-priced spread" which suggested and implied that the article contained significantly greater nutrient content than butter, which statements were false and misleading, since the article did not contain a significantly greater nutrient content than butter; the label bore statements which represented and suggested that the article contained significant amounts of ascorbic acid, niacin, riboflavin, thiamin, phosphorous, calcium and protein for special dietary use; which statements were false and misleading, since the article did not contain significant amounts of such nutrients for special dietary use; and the label statements "made especially for growing children" and "you get the good things growing children need everyday" represented and suggested that the article was of especial value in the promotion of growth of children, and that the article contained significant amounts of all nutrients needed by growing children to maintain good health, which representations and suggestions were false and misleading since they were contrary to fact.

DISPOSITION: On 1-3-61, the article was claimed by Lever Bros. Co., and on 3-8-61, the claimant filed an answer denying that the article was misbranded. On or about 12-11-62, the Government served written interrogatories on the claimant. On or about 2-26-63, the claimant filed objections to the written