NUTS*

28875. **Shelled peanuts.** (F.D.C. No. 48633. S. Nos. 7-148 V, 7-538 V.)

QUANTITY: 156 125-lb. bags, at Boston, Mass., in possession of Superior Nut Co.

SHIPPED: 8-30-62 and 11-26-62, from Dawson, Ga.

LIBELED: 2-6-63, Dist. Mass.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 2-21-63, Consent—claimed by Superior Nut Co., Boston, Mass. Segregated; 51 bags denatured.

28876. **Toasted peanuts.** (F.D.C. No. 47140. S. Nos. 33-263/65 T.)

QUANTITY: 1,210 cases, 12 9½-oz. jars each, and 144 cases, 12 4½-oz. jars each, and 60 cases, 6 4-lb. 12-oz. cans each, at Minneapolis, Minn.

SHIPPED: 1-19-62, from Ann Arbor, Mich., by American Home Foods, Inc.

LABEL IN PART: (Jars) "* * * Franklin Dry Toasted Peanuts Less Calories Not Greasy Salted * * * Vacuum Packed with salt, starch, monosodium glutamate, herbs, and spices added. No oils, Fats or Sugars Used in Processing. Made by American Home Foods, Inc., Ann Arbor, Michigan"; (can) "Franklin Dry Toasted Peanuts * * * They're Not Greasy Made by American Home Foods, Inc., Ann Arbor, Mich. Peanuts Dry Toasted. No Oils or Fats Added Vacuum Packed with salt, starch, monosodium glutamate, herbs, and spices added."

RESULTS OF INVESTIGATION: Examination showed that the article contained approximately 45 percent fat.

LIBELED: 2-23-62, Dist. Minn.

CHARGE: 403(a)—when shipped, the label statements (jars) "Less Calories Not Greasy," "No oils, Fats or Sugars Used in Processing" and (cans) "They're Not Greasy" and "No Oils or Fats Added" represented and suggested that the caloric content of the article was significantly different from roasted peanuts generally, and that the article was of unusual value for weight reduction, which statements were false and misleading since they were contrary to fact.

DISPOSITION: American Home Products Corp., New York, N.Y., claimant, filed a motion for dismissal of the libel for failure of the libel to state a claim upon which relief could be granted. The matter came on for hearing and, at its conclusion on 5-14-62, the court granted the claimant's motion for dismissal as to the article in the cans and denied the motion as to the article in the jars. On 1-25-63, the claimant having consented to the entry of a decree against the article in the jars, judgment of condemnation was entered and such article was ordered released under bond for relabeling.

28877. **Shelled pecans.** (F.D.C. No. 48629. S. No. 4-659 V.)

QUANTITY: 28 5-lb. boxes, at Brentwood, Md.

SHIPPED: 12-28-62, from Jonesboro, Ga., by Harvey Pecan Co.

LABEL IN PART: (Box) "Harvey Pecan Co., Jonesboro, Georgia Liberty Food Distributors."

LIBELED: 2-11-63, Dist. Md.

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* See also No. 28806.