

DISPOSITION: May 14, 1945. The Phillips Packing Co., Inc., having consented to the entry of a decree, judgments of condemnation were entered and the product was ordered destroyed.

NUTS AND NUT PRODUCTS

8062. Adulteration of shelled almonds and shelled pecans. U. S. v. 7 Cartons of Shelled Almonds and 7 Cartons of Shelled Pecans. Default decree of condemnation and destruction. (F. D. C. No. 13904. Sample Nos. 74228-F, 74229-F.)

LABEL FILED: October 4, 1944, Eastern District of Washington.

ALLEGED SHIPMENT: On or about September 9, 1944, by Toby's Food Products Packing Co., Los Angeles, Calif.

PRODUCT: 7 cartons, each containing 30 1-ounce packages, of shelled almonds, and 7 cartons, each containing 30 1-ounce packages, of shelled pecans, at Yakima, Wash.

LABEL, IN PART: "Take-A-Pack Shelled Almonds [or "Pecans"]."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles, larvae, and insect excreta.

DISPOSITION: November 20, 1944. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

8063. Adulteration of peanuts. U. S. v. South Quay Peanut Co. Plea of nolo contendere. Fine, \$100. (F. D. C. No. 14209. Sample No. 63206-F.)

INFORMATION FILED: February 22, 1945, Eastern District of Virginia, against the South Quay Peanut Co., a partnership, Franklin, Va.

ALLEGED SHIPMENT: On or about February 11, 1944, from the State of Virginia into the State of North Carolina.

LABEL, IN PART: "No. 2 Peanuts."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance by reason of the presence of rancid, moldy, and dirty peanuts.

DISPOSITION: May 8, 1945. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$100.

8064. Adulteration of peanut butter. U. S. v. Commercial Creamery Co. Plea of guilty. Fine, \$5,400. (F. D. C. No. 14227. Sample Nos. 71642-F, 71643-F, 71732-F.)

INFORMATION FILED: December 22, 1944, Eastern District of Washington, against the Commercial Creamery Co., Spokane, Wash.

ALLEGED SHIPMENT: On or about April 26 and May 3 and 8, 1944, from the State of Washington into the State of Idaho.

LABEL, IN PART: "Eatsum Brand Peanut Butter."

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 rodent pellet fragments, rodent hairs, insect fragments, insect legs, and cast skins; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth, since the defendant's manufacturing plant was overrun with rodents, and rodent pellets and hair were prevalent throughout the plant.

DISPOSITION: April 2, 1945. A plea of guilty having been entered on behalf of the defendant, a fine of \$900 on each of 6 counts, a total fine of \$5,400, was imposed.

8065. Adulteration of peanut butter. U. S. v. Denison Peanut Co., Inc. Plea of guilty. Fine, \$100. (F. D. C. No. 14208. Sample No. 66790-F.)

INFORMATION FILED: November 15, 1944, Eastern District of Texas, against the Denison Peanut Co., Inc., Denison, Tex.

ALLEGED SHIPMENT: On or about March 1, 1944, from the State of Texas into the State of Oklahoma.

LABEL, IN PART: "Nature's Best * * * Peanut Butter."

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 rodent excreta fragments, excreta fragments resembling rodent excreta, insects, and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: December 6, 1944. A plea of guilty having been entered on behalf of the defendant, a fine of \$100 was imposed.

8066. Adulteration of peanut butter. U. S. v. 137 Cases of Peanut Butter. Default decree of condemnation. Product ordered sold to be denatured. (F. D. C. No. 13121. Sample No. 72579-F.)

LIBEL FILED: August 5, 1944, Western District of Tennessee.

ALLEGED SHIPMENT: On or about June 12, 1944, by the Robertson Peanut Co., from Clayton, Ala.

PRODUCT: 137 cases, each containing 12 2-pound jars, of peanut butter, at Memphis, Tenn.

LABEL, IN PART: "Delicious Brand Peanut Butter."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta and rodent hair fragments.

DISPOSITION: February 3, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold to be denatured under the supervision of the Federal Security Agency and disposed of for purposes other than human consumption.

8067. Adulteration of peanut butter. U. S. v. 33 Cases of Peanut Butter. Default decree of condemnation and destruction. (F. D. C. No. 14008. Sample No. 79664-F.)

LIBEL FILED: October 30, 1944, Eastern District of North Carolina.

ALLEGED SHIPMENT: On or about August 25, 1943, by the Sessions Co., Inc., from Enterprise, Ala.

PRODUCT: 33 cases, each containing 12 1-pound, 8-ounce jars, of peanut butter at Rocky Mount, N. C.

LABEL, IN PART: (Jars) "School Day Brand Peanut Butter * * * Made By Peanut Products Co. Enterprise, Ala."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance by reason of the presence of rodent hair fragments, insect fragments, dirt, and rancid peanut butter.

DISPOSITION: March 12, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8068. Adulteration and misbranding of peanut butter. U. S. v. Texas Peanut Products Co. Plea of guilty. Fine, \$160. (F. D. C. No. 12522. Sample No. 41416-F.)

INDICTMENT RETURNED: September 26, 1944, Southern District of Texas, against the Texas Peanut Products Co., a corporation, Houston, Tex.

ALLEGED SHIPMENT: On or about September 23, 1943, from the State of Texas into the State of Louisiana.

LABEL, IN PART: (Jars) "Rich in The B Vitamin. Tom Sawyer Peanut Butter * * * Net Wt. 2 Pounds [or "¾ Pound," or "1 Pound"]."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of rat and mouse excreta pellet fragments containing hairs, and insect fragments; and, Section 402 (a) (4), it had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

Misbranding, Section 403 (a), the label statements, "Net Wt. 2 Pounds [or "1 Pound," or "¾ Pound]," were false and misleading as applied to the product, which was short-weight; and, Section 403 (e), the product failed to bear a label containing an accurate statement of the quantity of the contents of the jars.

DISPOSITION: March 8, 1945. A plea of guilty having been entered on behalf of the defendant, a fine of \$160 was imposed on all 4 counts.

8069. Adulteration and misbranding of peanut butter. U. S. v. 141 Cases of Peanut Butter. Default decree of condemnation. Product ordered sold for purposes other than human consumption. (F. D. C. No. 13177. Sample No. 72072-F.)

LIBEL FILED: August 12, 1944, Western District of Tennessee.

ALLEGED SHIPMENT: On or about November 11, 1943, by the Rainier Packing Co., from Montgomery, Ala.