PRODUCT: 23 cases, each containing 12 jars, and 38 cases, each containing 24 jars, of peanut butter at Summit, Miss. Examination showed that the product contained insect fragments and dirt, and that a portion was short of the declared weight.

LABEL, IN PART: "Net Wt. 1 Lb. 8 Oz. [or "½ Lb."] Rainer's Pure Peanut Butter."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

Misbranding, Section 403 (e) (2), a portion of the product failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: May 7, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered denatured to be used for animal feed.

8477. Misbranding of peanut butter. U. S. v. 126 Cases of Peanut Butter. Default decree ordering the product to be distributed to charitable institutions, or destroyed. (F. D. C. No. 14673. Sample No. 87394–F.)

LIBEL FILED: December 1, 1944, District of Minnesota.

ALLEGED SHIPMENT: On or about September 11, 1944, by the George Hogue Mercantile Co., from Kansas City, Mo.

PRODUCT: 126 cases, each containing 24 jars, of peanut butter at St. Paul, Minn. Examination showed that the product was short-weight.

LABEL, IN PART: "Net Wt. 1 Lb. 8 Oz. Missouri Valley Brand Peanut Butter."

VIOLATION CHARGED: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents, since the label statement "Net Wt. 1 Lb. 8 Oz." was inaccurate.

DISPOSITION: January 17, 1945. No claimant having appeared, judgment was entered ordering that the product be delivered to charitable institutions, or destroyed.

8478. Adulteration of unshelled pecans. U. S. v. Edgar M. Boyles and James Harry Thompson (2 informations filed). Pleas of not guilty to each information, by each defendant. Tried to the court and jury. Verdicts of guilty. Boyles and Thompson sentenced to serve a total of 18 months' and 15 months' imprisonment, respectively. (F. D. C. No. 12579. Sample Nos. 25686–F, 48188–F, 72213–F, 72214–F.)

INFORMATIONS FILED: March 8, 1945, Middle District of Georgia, against Edgar M. Boyles and James Harry Thompson, Albany and Macon, Ga.

ALLEGED SHIPMENT: Between the approximate dates of October 30 and November 11, 1943, from the State of Georgia into the States of Tennessee and Alabama.

VIOLATIONS CHARGED: Adulteration (both informations), Section 402 (a) (3), the product consisted in whole or in part of filthy and decomposed substances and was otherwise unfit for food by reason of the presence of insect-infested, moldy, decomposed, shriveled, and rancid nuts; Section 402 (b) (3), it consisted in large part of damaged and inferior nuts, which damage and inferiority had been concealed by topping the damaged and inferior nuts with nuts of a better quality; and, Section 402 (b) (4), nuts of a better quality than the remainder of the product had been added to the tops of the bags so as to make the product to appear better and of greater value than it was.

DISPOSITION: The defendants having filed a motion to dismiss the informations on the ground that they had bought and sold the product in good faith, and the motion having been denied, pleas of not guilty were entered to both informations. On April 18, 1945, the cases came on for trial before a jury. They were tried simultaneously, and on April 19, 1945, the jury returned a verdict of guilty. On the same date, the court sentenced the defendant, Boyles, to a total of 18 months' imprisonment, and the defendant, Thompson, to a total of 15 months' imprisonment for the violations represented by both informations.

8479. Adulteration of pecan meats. U. S. v. 1 Box of Pecan Meats. Default decree of condemnation and destruction. (F. D. C. No. 14679. Sample No. 75420–F.)

LIBEL FILED: November 30, 1944, Western District of New York.

ALLEGED SHIPMENT: On or about August 22, 1944, by Ricci & Co., from Chicago, Ill.

PRODUCT: 1 60-pound box of pecan meats at Buffalo, N. Y.