NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence in and on it of black specks or other matter resembling charred material, caused by the use of unclean baking utensils; 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), (portion) the label statement "Pecan Nut Clusters" was false and misleading since it represented and suggested that the nut ingredient of the article consisted entirely of pecans, whereas it consisted essentially of peanuts; and, Section 403 (i) (2), its label failed to bear the common or usual name of one of the ingredients, i. e., peanuts.

DISPOSITION: April 9, 1946. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of $50 on each of the 9 counts.

9211. Adulteration of cake. U. S. v. Purity Bakeries Corporation (Grennan Bakeries, Inc.). Plea of guilty. Fine, $1,000. (F. D. C. No. 16510. Sample Nos. 23011–H to 23013–H, incl.)

INFORMATION FILED: December 11, 1945, Western District of Tennessee, against the Purity Bakeries Corporation, trading as the Grennan Bakeries, Inc., Memphis, Tenn.

ALLEGED SHIPMENT: On or about June 12, 1945, from the State of Tennessee, into the State of Arkansas.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect parts, insect fragments, and feather barbules; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 15, 1946. A plea of guilty having been entered on behalf of the defendant, the court imposed fines of $500 on count 1 and $250 on each of counts 2 and 3, a total fine of $1,000.

9212. Adulteration of fruit cake. U. S. v. 386 Cases of Fruit Cake. Default decree of condemnation. Product ordered delivered to a Federal institution, for use as animal feed. (F. D. C. No. 18544. Sample No. 17660–H.)

LIBEL FILED: December 6, 1945, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about July 18, 1945, by Charles Zeitz, from Philadelphia, Pa.

PRODUCT: 386 cases, each containing 12 1-pound fruit cakes, at Detroit, Mich.

LABEL, IN PART: "Pak O Gud Fruit Cake."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and insect fragments.

DISPOSITION: January 21, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a Federal institution, for use as animal feed.

9213. Adulteration of fruit cake. U. S. v. 9 Cases of Fruit Cake. Default decree of condemnation and destruction. (F. D. C. No. 18824. Sample No. 13332–H.)

LIBEL FILED: January 8, 1946, Southern District of Ohio.

ALLEGED SHIPMENT: On or about November 20, 1945, by the Gottfried Baking Co., Inc., from New York, N. Y.

PRODUCT: 9 cases, each containing 32 fruit cakes, at Cincinnati, Ohio.

LABEL, IN PART: "Gottfried Rum and Brandy Fruit Cake."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of mold.

DISPOSITION: February 27, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

9214. Adulteration of fruit cake. U. S. v. 210 Cartons of Fruit Cake. Default decree of condemnation and destruction. (F. D. C. No. 18692. Sample Nos. 8331–H, 8333–H.)

LIBEL FILED: December 20, 1945, Southern District of New York.

ALLEGED SHIPMENT: On or about July 26, 1945, by the Karl Baking Co., Newark, N. J.