13342. Misbranding of peanut butter. U. S. v. 61 Cases, etc. (F. D. C. No. 24844. Sample Nos. 27170–K, 27171–K.)

LIBEL FILED: June 26, 1948, Eastern District of Illinois.

ALLEGED SHIPMENT: On or about March 30, 1948, by the J. H. Erbrich Products Co., from Indianapolis, Ind.

PRODUCT: Peanut butter. 61 cases, each purporting to contain 12 24-ounce jars, and 63 cases, each purporting to contain 24 12-ounce jars, at Danville, Ill.

LABEL, IN PART: "Nibbler Brand Peanut Butter Mfd. by Goody-Goody Products Co., Indianapolis, Ind. Net Weight 1 Lb. 8 Oz. [or "Net Weight 12 Oz."]."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (The jars contained less than the declared amount.)

DISPOSITION: June 26, 1948. The J. H. Erbrich Products Co. and the Paxton Wholesale Grocer Co., claimants, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, the jars to be refilled in accordance with the label weight declaration, under the supervision of the Food and Drug Administration.

13343. Misbranding of peanut butter. U. S. v. 4 Cases * * *. (F. D. C. No. 24615. Sample No. 27161–K.)

LIBEL FILED: April 30, 1948, Southern District of Illinois.

ALLEGED SHIPMENT: On or about March 10, 1948, by the J. H. Erbrich Products Co., from Indianapolis, Ind.

PRODUCT: 4 cases, each containing 24 jars, of peanut butter at Decatur, Ill.

LABEL, IN PART: "Ward Rose Peanut Butter Net Wt. 1 Lb."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (The jars contained less than the declared 1 pound.)

DISPOSITION: June 3, 1948. Default decree of condemnation. The product was ordered delivered to institutions.

13344. Misbranding of pecan spread and apple cider jelly. U. S. v. 8 Cases, etc. (F. D. C. Nos. 20405, 20417. Sample Nos. 59287–H to 59289–H, incl.)

LIBELS FILED: August 21, 1946, District of Oregon.

ALLEGED SHIPMENT: On or about March 12, May 5, and June 7, 1946, by the Great Western Mushroom Co., from Denver, Colo.

PRODUCT: 10 cases, each containing 24 jars, of pecan spread and 8 cases, each containing 24 jars, of apple cider jelly at Portland, Oreg. Examination showed that the products were short-weight.

LABEL, IN PART: "Savery Savory Pecans in Honey with Brandy Net Weight 10 Ounces," "Savery Savory Spun Pecan Spread Contains: Pecans Honey and Brandy * * * Net Wt. 5 Ozs.," and "Savery Savory Apple Cider Jelly Honey with Pecans and Lemon * * * Net Wt. 5 Ozs."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the articles failed to bear labels containing accurate statements of the quantity of the contents.

Further misbranding (jelly), Section 403 (a), the designation "Apple Cider Jelly" was misleading, since it implied that the article was apple jelly, whereas it was not apple jelly.

DISPOSITION: November 14, 1946. Default decrees of condemnation and destruction.

OILS AND FATS

13345. Misbranding of Ramol (mineral oil). U. S. v. Warren J. Frank and Douglass B. Pew (Frank Pew Oil Co.). Pleas of guilty. Fine of $300 and costs against defendant Frank and fine of $600 and costs against defendant Pew. (F. D. C. No. 23214. Sample No. 50106–H.)

INFORMATION FILED: August 5, 1947, Northern District of Ohio, against Warren J. Frank and Douglass B. Pew, trading as copartners under the name of the Frank Pew Oil Co., Cleveland, Ohio.

ALLEGED SHIPMENT: Between the approximate dates of May 1 and July 2, 1946, from the State of Ohio into the State of Texas.