(2d), 681 (App. D. C.), is of opinion the complaint fails to state a claim upon which the relief prayed for can be granted and, therefore, should be dismissed.

"It is, therefore, CONSIDERED, ORDERED and ADJUDGED that the complaint be, and the same hereby is, dismissed without prejudice; and at the cost of the plaintiff."

20340. Adulteration of unshelled almonds. U. S. v. 16 Cases * * *. (F. D. C. No. 34480. Sample No. 64061–L.)

LIBEL FILED: December 19, 1952, Western District of Washington.

ALLEGED SHIPMENT: On or about September 23, 1952, by the California Almond Growers Exchange, from Sacramento, Calif.

PRODUCT: 16 cases, each containing 24 1-pound bags, of unshelled almonds at Seattle, Wash.

LABEL, IN PART: (Bag) "Blue Diamond Brand * * * California Softshell Almonds."

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 insect-damaged almonds, and of a decomposed substance by reason of the presence of moldy almonds; and it was otherwise unfit for food by reason of the presence of gummy almonds.

DISPOSITION: July 15, 1953. Default decree of condemnation and destruction

20341. Adulteration of peanut butter. U. S. v. 43 Cases, etc. (F. D. C. No. 34235. Sample Nos. 40626–L, 40627–L.)

LIBEL FILED: On or about November 25, 1952, Western District of Washington.

ALLEGED SHIPMENT: On or about September 3 and 25, 1952, by the Pacific Fruit & Produce Co., from Oakland, Calif.

PRODUCT: 43 cases, each containing 24 14-ounce jars, and 48 cases, each containing 12 10-ounce jars, of peanut butter at Seattle, Wash.

LABEL, IN PART: (Jar) "Standby * * * Homogenized Peanut Butter."

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

DISPOSITION: April 3, 1953. Default decree of condemnation and destruction.

20342. Adulteration of peanut butter. U. S. v. 29 Cases * * *. (F. D. C. No. 34622. Sample No. 39474–L.)

LIBEL FILED: On or about January 21, 1953, District of Maryland.

ALLEGED SHIPMENT: On or about October 13 and December 2, 1952, by Producers Peanut Co., Inc., from Suffolk, Va.

PRODUCT: 29 cases, each containing 24 1-pound jars, of peanut butter at Baltimore, Md.

LABEL, IN PART: (Jar) "The Rider Brand Homogenized Peanut Butter."

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

DISPOSITION: April 16, 1953. Producers Peanut Co., Inc., having appeared as claimant and later having withdrawn its claim, judgment of condemnation was entered and the court ordered that the product be destroyed.