

LIBELED: 10-20-58, W. Dist. Wash.

CHARGE: 402(a)(3)—contained insects while held for sale.

DISPOSITION: 12-12-58. Default—destruction.

25334. Shelled peanuts. (F.D.C. No. 42281. S. Nos. 42-089 P, and 42-091 P.)

QUANTITY: 50 120-lb. bags and 354 125-lb. bags at Tacoma, Wash.

SHIPPED: 9-17-58 and 9-22-58, from Houston, Tex., by Hou-Tex Peanut Co., Inc.

LIBELED: 11-7-58, W. Dist. Wash.

CHARGE: 402(a)(3)—contained insects when shipped.

DISPOSITION: 12-1-58 and 2-11-59. Consent—claimed by Hou-Tex Peanut Co., Inc. Segregated; 12 bags denatured for use as animal feed.

25335. Shelled peanuts (2 seizure actions). (F.D.C. Nos. 42358, 42632. S. Nos. 26-493 P, 26-500 P.)

QUANTITY: 74 120-lb. bags and 75 115-lb. bags at Des Moines, Iowa, in possession of Peanut Products Co.

SHIPPED: 9-16-58 and 11-3-58, from Suffolk, Va., and Comanche, Tex.

LIBELED: 11-12-58 and 12-8-58, S. Dist. Iowa.

CHARGE: 402(a)(3)—contained rodent urine, rodent pellets, and rodent-gnawed peanuts; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 11-20-58 and 12-19-58. Consent—claimed by Peanut Products Co. Segregated; 1,912 lbs. denatured for use as animal feed.

25336. Shelled Spanish peanuts (3 seizure actions). (F.D.C. Nos. 42309, 42310, 42311. S. Nos. 42-381/2 P, 42-384/6 P.)

QUANTITY: 50 115-lb. bags at Seattle, Wash.

SHIPPED: 7-9-58, from Comanche, Tex.

LIBELED: 11-24-58, W. Dist. Wash.

CHARGE: 402(a)(3)—contained insects while held for sale.

DISPOSITION: 12-31-58. Default—consumption by animals.

25337. Shelled walnuts. (F.D.C. No. 42355. S. No. 19-258 P.)

QUANTITY: 72 25-lb. cases at Denver, Colo.

SHIPPED: 10-3-58 and 10-8-58, from San Jose, Calif., by Santa Clara Nut Co.

LABEL IN PART: "Light and Light Amber Halves and Pieces."

LIBELED: 11-7-58, Dist. Colo.

CHARGE: 402(a)(3)—contained insects, insect excreta, insect-damaged nuts, and moldy nuts when shipped.

DISPOSITION: 11-26-58. Consent—claimed by Jim Pusateri, d/b/a Santa Clara Nut Co. Segregated; 105 lbs. destroyed.

OLEOMARGARINE

(The reporting of the following three cases had been delayed, but they are now being included for completion of the record.)

25338. Oleomargarine. (F.D.C. No. 33765. S. Nos. 24-164 L, 37-280/2 L, 38-554 L, 49-736 L.)

INDICTMENT RETURNED: 2-17-53, S. Dist. N.Y., against Sol Abramson, Louis Alpert, and Temp-Tee Foods, Inc., Bronx, N.Y.

ALLEGED VIOLATION: At various times between 9-18-51 and 4-28-52, the defendants, with the intent to defraud and mislead, sold and offered for sale quantities of colored oleomargarine which was not properly labeled.

The indictment alleged also that the defendants, since September 1, 1951, and continuously thereafter to the date of the filing of the indictment, did combine, conspire, confederate, and agree together, and with each other, and other persons, to violate 407 of the Act, and that it was a part of such conspiracy that the defendants, with intent to defraud and mislead, would unlawfully sell colored oleomargarine which was not properly labeled.

It was alleged further that in pursuance of the conspiracy and to effect the objects thereof, the defendant, Sol Abramson, on 4-25-52, delivered a quantity of oleomargarine to Temp-Tee Foods, Inc., at 514 Westchester Ave., Bronx, N.Y.; and that all the defendants sold quantities of colored oleomargarine on 4-26-52 and 4-28-52.

CHARGE: 407(b)(3)—the label of the article failed to bear (a) the word "oleomargarine" or "margarine" in type or lettering at least as large as any other type or lettering on the label, and (b) a full and accurate statement of all the ingredients contained in such oleomargarine or margarine; and 407(b)(4)—each part of the contents of the package was not contained in a wrapper which bore the words "oleomargarine" or "margarine" in type or lettering not smaller than 20-point.

PLEA: Guilty.

DISPOSITION: 11-21-56. Corporation—\$7 fine which was remitted; Alpert—probation for 2 years; 12-20-56, Abramson—3 year jail sentence suspended and probation for 3 years.

25339. Oleomargarine. (F.D.C. No. 37254. S. Nos. 24-164 L, 37-280/2 L, 38-025 L, 38-554 L, 49-736 L.)

INDICTMENT RETURNED: 8-2-54, S. Dist. N.Y., against Henry N. August, Belleville, N.J.

ALLEGED VIOLATION: The indictment alleged that the defendant and co-conspirators, Sol W. Abramson and Louis Alpert, since January 1, 1952, and continuously thereafter to the date of the filing of the indictment, did combine, conspire, confederate, and agree together and with other unknown persons to commit an offense against the United States, namely, to sell and offer for sale colored oleomargarine in violation of 407(b)(3). It was charged as part of the conspiracy that the defendant and co-conspirators would, with intent to defraud and mislead, sell and offer for sale colored oleomargarine in packages not bearing labels on which appeared the word "oleomargarine" or "margarine" in type or lettering at least as large as any other type or lettering on the label, and a full and accurate statement of all the ingredients contained in such oleomargarine.

It was alleged further that in pursuance of the conspiracy and to effect the objects thereof, the defendant, on 4-15-52, received from co-conspirator, Louis Alpert, a number of unlabeled cartons containing a mixture of colored oleomargarine and butter.

PLEA: Guilty.

DISPOSITION: 5-28-56. Probation for 3 years.