

12982. Adulteration of tomato sauce. U. S. v. 769 Cases, etc. (F. D. C. No. 19676. Sample No. 46640-H.)

LIBEL FILED: April 26, 1946, District of Puerto Rico.

ALLEGED SHIPMENT: On or about December 18, 1945, by Libby, McNeill & Libby, Inc., from San Francisco, Calif.

PRODUCT: Tomato sauce. 769 cases, each containing 72 8-ounce cans, and 72 8-ounce cans, in various lots, at Arecibo, Bayamon, Caguas, Guayama, Humacao, Rio Piedras, Vega Baja, and Yabucoa, Puerto Rico.

LABEL, IN PART: "Libby's Tomato Sauce."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: On May 31, 1946, Libby, McNeill & Libby, Inc., appeared and filed a claim and answer. The claimant filed also interrogatories seeking information, among other things, as to the number of samples examined, identification of the samples with the shipment charged, and full details as to the method of analyses and the results.

On June 10, 1946, the Government filed its objections to the interrogatories and a motion to vacate. Thereupon, the matter was submitted to the court on briefs, and on August 9, 1946, the court entered the following order: "The objection of the libellant to the interrogatories propounded by the claimant is sustained, on the ground that the scope of Admiralty Rule 31 is narrowed, in these proceedings, and as to these particular interrogatories by the provisions of Section 304 (b) and (3) of the Federal Food, Drug, and Cosmetic Act."

Thereafter, the answer of the claimant was withdrawn. On October 15, 1947, a decree of condemnation and destruction was entered. On October 21, 1947, however, the claimant having petitioned for the delivery of the product, the decree was amended to permit release of the product to the claimant under bond for the purpose of separating the good from the bad.

On January 28, 1948, a new decree for the disposition of the goods was entered, the terms of which provided for the destruction of the product, with the exception of the cans in one code, which were ordered delivered to the claimant since they had been found by the Food and Drug Administration to be satisfactory.

NUTS AND NUT PRODUCTS

12983. Adulteration of mixed nuts. U. S. v. 33 Boxes * * * (F. D. C. No. 22610. Sample No. 53957-H.)

LIBEL FILED: March 10, 1947, Northern District of Ohio.

ALLEGED SHIPMENT: On or about November 4, 1946, by the William A. Camp Co., Inc., from New York, N. Y.

PRODUCT: 33 25-pound boxes of mixed nuts at Cleveland, Ohio.

LABEL, IN PART: "Universal Brand Mixed Nuts."

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 moldy, rancid, and decomposed brazil nuts.

DISPOSITION: July 24, 1947. The William A. Camp Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, by removal of the brazil nuts under the supervision of the Food and Drug Administration.

12984. Adulteration of peanuts. U. S. v. 6 Bags * * * (and 1 other seizure action). (F. D. C. Nos. 24470, 24492. Sample Nos. 6081-K, 6649-K.)

LIBELS FILED: March 3 and 18, 1948, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about January 22 and 24, 1948, by the Columbian Peanut Co., from Norfolk, Va., and Fort Gaines, Ga.

PRODUCT: 6 100-pound bags and 23 120-pound bags of shelled peanuts at Pittsburgh, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), (23-bag lot) the article consisted in whole or in part of a decomposed substance by reason of the presence of mold and rancid peanuts, and of a filthy substance by reason of

the presence of dirty peanuts; (6 bag lot) the article consisted in whole or in part of a filthy substance by reason of the presence of rodent pellets and rodent damaged peanuts.

Further adulteration, Section 402 (a) (4), (23-bag lot) the article had been held under insanitary conditions (in a mice-infested railroad car) whereby it may have become contaminated with filth.

DISPOSITION: March 31 and April 9, 1948. Default decrees of condemnation and destruction.

12985. Misbranding of peanut butter, potato chips, and salad dressing. U. S. v. Gibson Food Company. Plea of guilty. Fine, \$150. (F. D. C. No. 23289. Sample Nos. 40054-H, 40056-H to 40058-H, incl.)

INFORMATION FILED: July 16, 1947, Western District of Missouri, against the Gibson Food Co., a partnership, Springfield, Mo.

ALLEGED SHIPMENT: On or about December 10, 1946, and January 30, 1947, from the State of Missouri into the State of Kansas.

LABEL, IN PART: (Jars) "Gibson's Peanut Butter Net Wt. 32 Oz. [or "16 Oz.>"; "Gibson's Salad Dressing One Pint"; or (Bags) "Gibson's Potato Chips Net Weight 1 $\frac{3}{4}$ Ozs."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the products failed to bear labels containing an accurate statement of the quantity of the contents, since the jars and bags contained less than the amount declared.

DISPOSITION: September 23, 1947. A plea of guilty having been entered, the defendant was fined \$150.

12986. Adulteration of peanut butter. U. S. v. Peanut Corporation of America (Peanut Products Co.), and Jack Levensky. Each defendant fined \$50 and costs. (F. D. C. No. 23611. Sample No. 99590-H.)

INFORMATION FILED: November 17, 1947, Southern District of Iowa, against the Peanut Corporation of America, trading as the Peanut Products Co., at Des Moines, Iowa, and Jack Levensky, vice-president and general manager.

ALLEGED SHIPMENT: On or about June 3, 1947, from the State of Iowa into the State of Missouri.

LABEL, IN PART: "Lunch-on Peanut Butter."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of an insect, insect fragments, rodent hair fragments, and rodent excreta fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 23, 1948. A plea of guilty having been entered, the defendants were each fined \$50, plus costs.

12987. Adulteration and misbranding of peanut butter. U. S. v. 55 Cases * * *. (F. D. C. No. 23445. Sample No. 86770-H.)

LIBEL FILED: September 9, 1947, Eastern District of Illinois.

ALLEGED SHIPMENT: On or about July 12, 1947, by the Aster Nut Products Co., from Evansville, Ind.

PRODUCT: 55 cases, each containing 24 jars, of peanut butter at Du Quoin, Ill.

LABEL, IN PART: "Twelve Ounces Net Blue Bell Brand Peanut Butter."

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

Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents. (The article was short-weight.)

DISPOSITION: May 3, 1948. Default decree of condemnation and destruction.

12988. Adulteration of walnut meats. U. S. v. 64 Cartons, etc. (F. D. C. Nos. 24417, 24418. Sample Nos. 24139-K, 24325-K.)

LIBEL FILED: January 20, 1948, District of Minnesota.

ALLEGED SHIPMENT: On or about December 8, 1947, by the Whittier Walnut Packing Co., from El Monte, Calif.