

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.

PRODUCT: 169 25-pound cartons of walnut meats at Minneapolis, Minn.

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

DISPOSITION: April 9, 1948. The Whittier Walnut Packing Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be brought into compliance with the law, under the supervision of the Federal Security Agency.

POULTRY

12989. Adulteration of poultry. U. S. v. 1 Drum * * *. (F. D. C. No. 24463. Sample No. 22460-K.)

LABEL FILED: March 1, 1948, Northern District of Alabama.

ALLEGED SHIPMENT: On or about February 13, 1948, by the Smith Poultry Co., Inc., Canton, Ga.

PRODUCT: 1 drum containing 34 birds weighing approximately 51 pounds at Birmingham, Ala.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article was unfit for food by reason of bruises and mutilations; and, Section 402 (a) (5), it was in whole or in part the product of a diseased animal.

DISPOSITION: April 12, 1948. Default decree of condemnation and destruction.

12990. Adulteration of dressed turkeys. U. S. v. 200 Barrels * * *. (F. D. C. No. 21398. Sample No. 67116-H.)

LABEL FILED: On or about November 8, 1946, District of Kansas.

ALLEGED SHIPMENT: On or about August 12, 1946, by the Holbrook Turkey Growers Coop. Association, from Cheraw, Colo.

PRODUCT: 200 barrels, weighing 32,600 pounds gross, of dressed turkeys at Topeka, Kans.

NATURE OF CHARGE: Adulteration, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal.

DISPOSITION: November 18, 1947. Pursuant to stipulation by the parties, the court entered an order providing that 39 head of the tom turkeys in barrels marked "B" Grade were to be totally destroyed; that 664 hen turkeys in barrels marked class "B" were to be processed and canned under the supervision of a veterinary of the United States Department of Agriculture, to eliminate all diseased and unfit birds; and that the remaining turkeys, about 1,900 head, were to be released to the claimant unconditionally.

SPICES, FLAVORS, AND SEASONING MATERIALS

12991. Adulteration of imitation pepper and sausage binder and adulteration and misbranding of meat extender. U. S. v. Basic Food Materials, Inc., and Ray F. Beerend. Pleas of guilty. Each defendant fined \$2,000 and costs; fine of corporate defendant suspended. (F. D. C. No. 20970. Sample Nos. 2784-H, 2798-H, 16123-H, 21062-H, 28778-H, 36376-H.)

INFORMATION FILED: December 10, 1946, Northern District of Ohio, against Basic Food Materials, Inc., Cleveland, Ohio, and Ray F. Beerend, president.

ALLEGED SHIPMENT: Between the approximate dates of July 17 and September 11, 1945, from the State of Ohio into the States of Maryland, Virginia, Washington, Missouri, and Michigan.

LABEL, IN PART: "Chef's Delite Imitation Pepper," "Basic Food Materials Whe-Co Binder," or "Basic Food Materials Chef's Delite Meat Extender."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in part of filthy substances by reason of the presence (in the imitation pepper) of insects, larvae, insect fragments, mites, rodent hair, and hair resembling rodent hair; (in the sausage binder) of live infestation and insect filth in the form of live sawtooth grain beetles, live larvae, insect larvae or heads, and insect or worm fragments; and (in the meat extender) of larvae, beetle and larvae heads, capsules and cast skins, insect fragments, and hair resembling