

since they were incorrect. It was alleged to be misbranded further in that it was in package form and did not bear an accurate statement of the quantity of the contents.

On May 31 and June 12, 1940, no claimant having appeared, judgments of condemnation were entered and the lot seized at Columbia, S. C., was ordered destroyed and the lot seized at Greenville, S. C., was ordered delivered to a charitable institution after the labels had been obliterated.

1186. Misbranding of peanut butter. U. S. v. 149 Cases and 103 Cases of Peanut Butter. Default decrees of condemnation. Portion ordered destroyed; remainder distributed to charitable institutions. (F. D. C. Nos. 1592, 2605. Sample Nos. 87797-D, 96510-D, 20084-D.)

Examination showed this product to be short weight.

On March 7 and August 23, 1940, the United States attorneys for the Northern District of Alabama and the Western District of South Carolina filed libels against 149 cases of peanut butter at Birmingham, Ala., and 103 cases of peanut butter at Greenville, S. C., alleging that the article had been shipped in interstate commerce on or about February 6 and July 10, 1940, by the Dillon Candy Co., from Jacksonville, Fla.; and charging that it was misbranded. It was labeled in part: "Best Ever Brand Peanut Butter Net 32 Oz."; or "Dillon's Peanut Butter * * * Net 1 Lb."

The article was alleged to be misbranded in that the statements "Net 32 Oz." and "Net 1 Lb." were false and misleading since they were incorrect. It was alleged to be misbranded further in that it was in package form and did not bear an accurate statement of the quantity of the contents.

On September 4 and 27, 1940, no claimant having appeared, judgments of condemnation were entered, and the product seized at Birmingham was ordered destroyed and that seized at Greenville was ordered distributed to charitable institutions.

1187. Misbranding of peanut butter. U. S. v. 169 Cases of Peanut Butter. Product ordered released under bond. (F. D. C. No. 1783. Sample No. 4776-E.)

This product was short weight.

On April 10, 1940, the United States attorney for the Northern District of Indiana filed a libel against 169 cases of peanut butter at Michigan City, Ind., alleging that the article had been shipped in interstate commerce on or about February 14 and 22, 1940, by Velvet Nut Products, Inc., from Detroit, Mich.; and charging that it was misbranded. It was labeled in part: (Jars) "Contents 2 pounds, Grenadier Peanut Butter."

The article was alleged to be misbranded in that the statement appearing on the label, "Contents 2 Pounds," was false and misleading since it was not true. It was alleged to be misbranded further in that the label failed to bear an accurate statement of the quantity of the contents.

On June 17, 1940, Velvet Nut Products, Inc., claimant, having admitted the allegations of the libel, judgment was entered ordering that the product be released under bond conditioned that it should not be disposed of until brought into complete compliance with the requirements of the law.

1188. Adulteration and misbranding of nut spread. U. S. v. 6 Cases and 8 Cases of Nut Spread. Default decree of condemnation. Product ordered delivered to a welfare organization. (F. D. C. No. 1813. Sample No. 88914-D.)

This product consisted of peanut butter and a fat other than peanut oil. It had been whipped so as to incorporate air in it and was also short of the declared volume.

On April 15, 1940, the United States attorney for the Northern District of Indiana filed a libel against 14 cases of nut spread at Fort Wayne, Ind., alleging that the article had been shipped in interstate commerce on or about February 28, 1940, by Lurch Nut Products, Inc., from Maywood, Ill.; and charging that it was adulterated and misbranded. It was labeled in part: (Jars) "Lurch's Nut Spread [design of peanuts] 8 Fl. Ozs. [or "15 Fl. Ozs."]."

Adulteration was alleged in substance in that a mixture of peanut butter and added foreign fat which had been increased in volume by the incorporation of air had been substituted for peanut butter, which the article purported to be. The article was alleged to be adulterated further in that a substance, air, had been incorporated therein so as to increase its bulk.

It was alleged to be misbranded in that the name "nut spread" and the design of peanuts implying that the product was peanut butter, were false

and misleading as applied to peanut butter in which excess air had been incorporated and which contained foreign fat. It was alleged to be misbranded further in that the statements "8 Fl. Ozs." and "15 Fl. Ozs." were false and misleading since they were not correct. It was alleged to be misbranded further in that it was in package form and did not bear an accurate statement of the quantity of contents.

On June 18, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a welfare organization.

OLIVE OIL

1189. Misbranding of olive oil. U. S. v. 12 Cases of Olive Oil. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 1838. Sample Nos. 4713-E, 4826-E.)

Examination showed this product to be short of the declared volume.

On April 18, 1940, the United States attorney for the Eastern District of Wisconsin filed a libel against 12 cases of olive oil at Milwaukee, Wis., alleging that the article had been shipped in interstate commerce on or about February 16, 1940, by R. Gerber & Co. from Chicago, Ill.; and charging that it was misbranded. It was labeled in part: (Bottles) "Pure Olive Oil 4 Fluid Ozs. Packed for John Hoffman & Sons Co. Milwaukee."

The article was alleged to be misbranded in that the statement "4 Fluid Ounces" was false and misleading since it was incorrect. It was alleged to be misbranded further in that it was in package form and did not bear an accurate statement of the quantity of the contents.

On June 4, 1940, R. Gerber Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled in conformity with the law.

CANDY

1190. Adulteration of candy. U. S. v. 4 Boxes of Candy. Default decree of condemnation and destruction. (F. D. C. No. 2366. Sample No. 20241-E.)

This product contained insect fragments, rodent hairs, and feather barbs.

On July 18, 1940, the United States attorney for the Western District of South Carolina filed a libel against four boxes of candy at Spartanburg, S. C., alleging that the article had been shipped in interstate commerce on or about June 3, 1940, by the Crown Candy Co. from Atlanta, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. It was labeled in part: "Buttered Peanut Cocomanut Crisp."

On August 23, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1191. Adulteration of candy. U. S. v. 68 Cases of Candy (and 9 other seizure actions against candy). Default decrees of condemnation and destruction. (F. D. C. Nos. 1479, 1518, 1550, 1605, 1807, 1809, 1851, 1863, 1876, 1931. Sample Nos. 63832-D, 63833-D, 85007-D, 85008-D, 85013-D, 66982-D, 66983-D, 66984-D, 66985-D, 15702-E, 15703-E, 15704-E, 16228-E, 16426-E, 16427-E, 16430-E, 16434-E, 16435-E, 16441-E, 16442-E, 16443-E.)

Samples taken from these lots were found to contain rodent hairs and excreta, cat and human hairs, insects and insect fragments, and miscellaneous filth.

Between February 21 and May 9, 1940, the United States attorneys for the Southern District of Illinois, Eastern District of Missouri, Western District of Missouri, and District of Nebraska filed libels against 68 cases of candy at Quincy, Ill.; 58 cases at Kirksville, Mo.; 14 cases at Sedalia, Mo.; 157 cases at Omaha, Nebr.; 1 barrel at Monroe City, Mo.; 50 cases at Kansas City, Mo.; 34 cases at Grand Island, Nebr.; and 5 cases at Lexington, Nebr., alleging that the article had been shipped in interstate commerce within the period from on or about September 11, 1939, to on or about April 16, 1940, by Walter T. Hall & Co. from Ottumwa, Iowa; and charging that it was adulterated. On May 27, 1940, the libel filed at Kirksville, Mo., on February 21, 1940, was amended to include an additional 5 cases. The article was labeled in part variously: "Hall's Chocolates Tease The Taste Special Choc."; "Royal Crispies Hall's Confections"; "Handy Pack Asst."; "Pyramid Choc. Hall's Chocolates"; "Orange Slices"; Hall's Ottumwa Iowa Assorted Halo Jellies"; "Midget Caramels"; "Assorted Banner