On April 25, 1940, no claimant having appeared, a decree of condemnation and forfeiture was entered and the product was ordered destroyed.

677. Adulteration and misbranding of peanut butter. U. S. v. 35 Cases and 74 Cases of Peanut Butter. Default decrees of condemnation and destruction. (F. D. C. Nos. 1439, 1440. Sample Nos. 61630–D, 61633–D.)

This product was found to contain sand and clay and the containers of a portion were found to be short of the declared weight.

On February 12, 1940, the United States attorney for the Eastern District of Louisiana filed libels against 35 cases of peanut butter at Baton Rouge, La., and 74 cases of peanut butter at Plaquemine, La., alleging that the article had been shipped in interstate commerce on or about September 30 and November 7, 1939, by the Rainer Packing Co. from Montgomery, Ala.; and charging that it was adulterated and misbranded. The product was labeled in part: "Rainer's Pure Peanut Butter."

The article in each shipment was alleged to be adulterated in that it consisted wholly or in part of a filthy substance.

The article shipped November 7, 1939, was also alleged to be misbranded in that the statement "Net Wt. 16 Oz.," borne on the label, 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 a correct statement of the quantity of contents.

On April 8 and 26, 1940, respectively, no claimant having appeared, decrees of condemnation were entered and the product was ordered destroyed.

678. Adulteration of peanut butter. U. S. v. 15 Cases of Peanut Butter. Default decree of condemnation and destruction. (F. D. C. No. 1266. Sample No. 61499–D.)

Examination of this product showed that it contained sand and dirt.

On December 29, 1939, the United States attorney for the Eastern District of Louisiana filed a libel against 15 cases of peanut butter at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about November 20, 1939, by Southland Peanut Products Co. from Elba, Ala.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: (Jar) "Southland Brand Peanut Butter."

On March 18, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

679. Adulteration and misbranding of peanut butter. U. S. v. 16 Cases and 24 Cases of Peanut Butter. Default decrees of condemnation and destruction. (F. D. C. Nos. 1755, 1922. Sample Nos. 9181–E, 16034–E.)

Samples from one lot of this product were found to be short weight; and those taken from the other lot were found to contain insect fragments, dirt, rodent hairs, and rodent excreta.

On April 4 and May 7, 1940, the United States attorneys for the Eastern District of Oklahoma and the Eastern District of Louisiana filed libels against 16 cases, each containing six 5-pound pails, of peanut butter at McAlester, Okla., and 24 cases, each containing 24 8-ounce jars, of peanut butter at Baton Rouge, La., alleging that the article had been shipped in interstate commerce on or about January 12 and April 13, 1940, by the Texas Peanut Products Co. from Houston, Tex.; and charging that the former shipment was adulterated and that the latter was misbranded. One lot was labeled in part: "Net Weight 8 oz. Danny Boy Brand Peanut Butter."

One shipment was alleged to be adulterated in that it consisted in whole or in part of a filthy, putrid, and decomposed substance and was otherwise unfit for food; this shipment was alleged to be adulterated further in that it had been prepared, packed, and held under insanitary conditions whereby it had become contaminated with filth.

The other shipment was alleged to be misbranded in that the statement "Net Wt. 8 oz." was false and misleading since it was incorrect, and in that it was in package form and did not bear an accurate statement of the quantity of contents.

On May 20 and June 3, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.