

A portion of the article, which was shipped on or about January 12, 1940, was alleged to be 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.

The shipments made on October 30, 1939, and April 13, 1940, were alleged to be misbranded (1) in that the statements "Net Wt. 8 Oz." and "Net Weight 40 Oz.," appearing on the jar labels, were false and misleading since each of the jars did not contain 8 ounces or 40 ounces, respectively, of peanut butter but did contain a smaller amount; and (2) in that the product was in package form and its label did not bear an accurate statement of the quantity of contents in terms of weight.

On March 14, 1941, the case came on for trial before the court and at the conclusion of the Government's case, the court found the defendant not guilty "for lack of evidence of interstate shipment."

2074. Adulteration of peanut butter. U. S. v. 25 Cases, 10 Cases, 7 Cases, and 3 Cases of Peanut Butter. Consent decree of destruction. (F. D. C. No. 1298. Sample No. 78464-D.)

Examination showed that this product was contaminated with dirt and insect fragments and that a portion also contained rodent hairs.

On January 12, 1940, the United States attorney for the Northern District of West Virginia filed a libel against 25 cases each containing 12 32-ounce jars, and 10 cases each containing 24 8-ounce jars, of peanut butter at Thomas, W. Va. (the libel was amended on November 27, 1940, to include action against 7 cases of 32-ounce jars and 3 cases of 8-ounce jars of peanut butter), alleging that the article had been shipped by Producers Peanut Co., Inc., from Suffolk, Va., on or about September 19 and November 6, 1939; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance. The article was labeled in part: "Lily Brand Peanut Butter."

On December 9, 1940, the Producers Peanut Co., Inc., having consented to the entry of a decree, judgment was entered ordering that the product be destroyed.

2075. Adulteration of peanut butter. U. S. v. 20 Cases, 15 Cases, 11 Cases, and 35 Cases of Peanut Butter. Default decrees of condemnation and destruction. (F. D. C. Nos. 3830, 3831, 4025. Sample Nos. 29321-E, 29433-E, 35901-E.)

This product contained rodent hairs, rodent excreta, insect fragments, and miscellaneous dirt.

On February 17 and 18 and March 25, 1941, the United States attorneys for the Eastern District of Tennessee and the Southern District of Mississippi filed libels against 15 cases each containing 24 1-pound jars, and 11 cases each containing 12 2-pound jars, of peanut butter at Shelbyville, Tenn., 20 cases each containing 24 1-pound jars of peanut butter at Etowah, Tenn., and 35 cases each containing 24 8-ounce jars of peanut butter at Gulfport, Miss., alleging that the article had been shipped within the period from on or about October 3 to on or about December 30, 1940, by Sessions Co., Inc., from Enterprise, Ala.; and charging that it was adulterated. The article was labeled in part: "Goldcraft [or "School Day Brand"] Peanut Butter."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy substance. The shipment at Gulfport, Miss., was alleged to be adulterated further in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On April 23 and June 11, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

2076. Misbranding of peanut butter. U. S. v. 381 Cases of Peanut Butter. Consent decree of condemnation. Product ordered released under bond to be reconditioned or labeled. (F. D. C. No. 3484. Sample No. 35367-E.)

This product was short weight.

On December 6, 1940, the United States attorney for the Eastern District of Louisiana filed a libel against 381 cases, each containing 24 jars, of peanut butter at New Orleans, La., alleging that the article had been shipped in interstate commerce within the period from on or about September 16 to on or about October 26, 1940, by Robertson Peanut Co. from Clayton, Ala.; and charging that it was misbranded. It was labeled in part: (Jars) "Net Weight One Pound Delicious Brand Peanut Butter."