

4857. Adulteration of walnut meats. U. S. v. 74 Cases of Walnut Meats (and 3 additional seizure actions against walnut meats). Consent decrees of condemnation. Product ordered released under bond for salvage of the good portion and destruction of the unfit portion. (F. D. C. Nos. 9259, 9303, 9315, 9487. Sample Nos. 18513-F, 18522-F, 37738-F, 37742-F).

On February 3 and March 5, 1943, the United States attorneys for the Northern District of Illinois and the Southern District of New York filed libels against 111 25-pound cases of walnut meats at Chicago, Ill., and 160 25-pound cases of walnut meats at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about December 20, 1942, by the Fullerton Walnut Packing Co., from Fullerton, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. Portions of the article were labeled in part: "Mission Brand California Shelled Walnuts."

On February 17 and April 8, 1943, the Fullerton Walnut Packing Co., having appeared as claimant for the portion of the product located at Chicago and one of the lots located at New York, N. Y.; and the Consolidated Syrup Corporation, New York, N. Y., having appeared as claimant for the other lot at New York, N. Y., and the claimants having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond for salvaging the good portion and destruction of the unfit portion.

4858. Adulteration of black walnut kernels. U. S. v. 2 Cases of Black Walnut Kernels. Default decree of condemnation and destruction. (F. D. C. No. 9372. Sample No. 24181-F.)

On January 13, 1943, the United States attorney for the District of Columbia filed a libel against 2 30-pound cases of black walnut kernels at Washington, D. C., alleging that the article had been shipped on or about December 9, 1942, by the J. R. Tranbarger Produce & Feed Co. from Kingsport, Tenn.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On March 11, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4859. Adulteration of pecan meats. U. S. v. 14 Cases of Pecan Meats. Default decree of condemnation and destruction. (F. D. C. No. 9472. Sample No. 30697-F.)

On March 2, 1943, the United States attorney for the District of Oregon filed a libel against 14 60-pound cases of pecan meats at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about May 5, 1941, by the Fisher Pecan Co. from Dallas, Tex.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance.

On April 6, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4860. Adulteration and misbranding of nut meats. U. S. v. 172 Cards, Each Containing 12 Bags, of Nut Meats. Default decree of condemnation. Product ordered distributed to charitable institutions. (F. D. C. No. 9447. Sample No. 23407-F.)

This product contained an appreciable amount of pumpkin seeds. It was also short of the declared weight.

On February 25, 1943, the United States attorney for the Eastern District of Pennsylvania filed a libel against the above-named product at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about February 16, 1943, by the Golden Brand Nut Products, Inc., from New York City, N. Y.; and charging that it was adulterated and misbranded. The article was labeled in part: (Bags) "Fresh Shelled Golden Brand * * * Nut Meats Net Weight 1¼ Ounces." A light pencil mark had been drawn through the "1¼" without making a correct declaration.

The article was alleged to be adulterated in that pumpkin seeds had been substituted wholly or in part for nut meats, which it purported to be.

It was alleged to be misbranded (1) in that the statement "Nut Meats" was false and misleading as applied to an article consisting in part of pumpkin seeds; (2) in that the statement, "Net Weight 1¼ Ounces or over when packed," was false and misleading as applied to an article that was short-weight, and (3) in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

On March 17, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to charitable institutions.