

case containing jars of various sizes, of peanut butter at Augusta, Ga., and 105 cases, each case containing jars of various sizes, of peanut butter at Rawlins, Wyo., alleging that the article had been shipped in interstate commerce within the period from on or about October 30, 1942, to January 8, 1943, by the Jaxon Foods, Inc., from Jacksonville, Fla.; and charging that it was adulterated and misbranded.

On April 21, 1943, the United States attorney for the District of Colorado filed a libel against 82 cases, each case containing jars of various sizes, of peanut butter at Denver, Colo., which had been shipped by the Jaxon Foods, Inc., of Jacksonville, Fla., alleging that the article had been shipped on or about June 27, 1942, from Jacksonville, Fla.; and charging that it was adulterated. The article was labeled in part: "Besmaid Peanut Butter * * *," "Meadow Lark Peanut Butter * * *," or "Little Moore Brand 'Its Good' Peanut Butter." It was alleged to be adulterated in that it consisted in whole or in part of a filthy substance. The lot located at Augusta, Ga., was alleged to be adulterated further in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth. The 12-ounce jars were alleged to be misbranded in that the statement appearing on the labeling, "Net Wt. 12 Ozs.," was false and misleading since it was short of the declared weight, and in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

Between May 6 and August 5, 1943, no claimant having appeared, judgments of condemnation were entered and the lots located at Augusta, Ga., were ordered delivered to a Federal institution for use as hog feed, and the remaining lots were ordered destroyed.

5084. Misbranding of peanut butter. U. S. v. The Geo. E. Pellens Company. Plea of nolo contendere. Fine, \$150. (F. D. C. No. 8806. Sample Nos. 4367-F, 4368-F, 4559-F, 4560-F.)

On March 29, 1943, the United States attorney for the Southern District of Ohio filed an information against the Geo. E. Pellens Co., a corporation, at Cincinnati, Ohio, alleging shipment within the period from on or about September 15 to 25, 1942, from the State of Ohio into the States of Kentucky and Indiana of a quantity of peanut butter that was misbranded. The article was labeled in part: (Jars) "Rayo Peanut Butter * * * Net Wt. 8 Oz. [or "Contents 12 Oz." or "Contents 24 Oz.]."

The article was alleged to be misbranded in that the statements, "Net Wt. 8 Oz [or "Contents 12 Oz." or "Contents 24 Oz.]," borne on the labels were false and misleading since the jars did not contain the amount declared, but did contain a smaller amount. It was alleged to be misbranded further in that it was a food in package form and its label did not bear an accurate statement of the quantity of the contents.

On July 27, 1943, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$150.

5085. Misbranding of peanut butter. U. S. v. 50 Cases of Peanut Butter. Consent decree of condemnation. Product ordered released under bond for repackaging. (F. D. C. No. 9365. Sample No. 18960-F.)

This product was short of the declared weight.

On February 12, 1943, the United States attorney for the District of New Jersey filed a libel against 50 cases of peanut butter at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about December 19, 1942, by the H & M Packing Co., Inc., from Brooklyn, N. Y.; and charging that it was misbranded. The article was labeled in part: (Jars) "Champion Brand Peanut Butter Made from No. 1 Peanuts Net Wt. 12 oz."

The article was alleged to be misbranded in that the statement, "Net. Wt. 12 oz.," was false and misleading as applied to an article that was short weight, and in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

On July 21, 1943, the H & M Packing Co., Inc., having appeared as claimant and having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for repackaging under the supervision of the Food and Drug Administration, so that each jar would contain 12 ounces, in compliance with the law.

5086. Misbranding of peanut butter. U. S. v. 67 Cases of Peanut Butter. Default decree of condemnation and destruction. (F. D. C. No. 9434. Sample No. 9731-F.)

This product was short weight.

On March 6, 1943, the United States attorney for the Southern District of Mississippi filed a libel against 67 cases of peanut butter, each containing 24 jars,