

DISPOSITION: January 4, 1944. Charles N. Miller Co., Boston, Mass., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reconditioned by sorting and picking, under the supervision of the Food and Drug Administration.

5977. Adulteration of peanuts. U. S. v. 200 Bags of Shelled Peanuts (and 1 other seizure action against shelled peanuts). Decrees of condemnation. One lot released for segregation and denaturing of unfit portion; remaining lot ordered released for processing into peanut oil, the pulp to be converted into animal feed. (F. D. C. Nos. 11984, 12403. Sample Nos. 51022-F, 77286-F.)

LIBELS FILED: March 8, 1944, Eastern District of Pennsylvania; May 19, 1944, District of New Jersey.

ALLEGED SHIPMENT: On or about February 24 and 25, 1944, by the Farmers Cotton and Peanut Co., Plymouth, N. C.

PRODUCT: 200 110-pound bags of peanuts at Philadelphia, Pa., and 149 100-pound bags of peanuts at West New York, N. J.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy and decomposed substances. The lot at Philadelphia contained dirty and rancid peanuts, and the lot at West New York contained dirty and decomposed peanuts, stones, sticks, and hulls.

DISPOSITION: March 10, 1944. The Farmers Cotton and Peanut Co., Inc., having appeared as claimant for the lot at Philadelphia, judgment of condemnation was entered and the product was ordered released under bond for the segregation of the unfit portion, under the supervision of the Food and Drug Administration. July 24, 1944. The same claimant having appeared for the remaining lot, and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for processing into peanut oil, the pulp to be converted into animal feed, under the supervision of the Food and Drug Administration.

5978. Adulteration of peanuts. U. S. v. 49 Unlabeled Bags of Peanuts. Consent decree of condemnation. Product ordered released under bond for segregation. (F. D. C. No. 10933. Sample No. 55440-F.)

LIBEL FILED: October 16, 1943, Western District of Washington.

ALLEGED SHIPMENT: On or about May 20, 1943, from Fort Gaines, Ga.

PRODUCT: 49 bags of peanuts in possession of the Old Yankee Syrup Co., Seattle, Wash.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of live insects, webbing, excreta, and insect-damaged nuts; and, Section 402 (a) (4), in that it had been stored under insanitary conditions whereby it might have become contaminated with filth.

When examined in the storage room, moths and live pupae were observed on the outside of the bags, and larvae were crawling on a number of the bags. Rodent pellets were on and between the bags and on the floor. Frass from chewed peanuts and rodent pellets was lodged between some of the bags.

DISPOSITION: November 1, 1943. Marco J. Magnano and Angelo C. Magnano, doing business as the Old Yankee Syrup Co., appeared as claimants. Judgment of condemnation was entered and the product was ordered released under bond to be segregated under the supervision of the Food and Drug Administration. The unfit material was sorted out and denatured and the insanitary conditions were corrected.

5979. Adulteration of peanuts. U. S. v. 53 Bags of Shelled Peanuts. Consent decree of condemnation. Product released under bond to be brought into compliance with the law. (F. D. C. No. 12128. Sample No. 66608-F.)

LIBEL FILED: April 4, 1944. Western District of Missouri.

ALLEGED SHIPMENT: On or about February 19 and 20, 1942, from Hugo, Okla.

PRODUCT: 53 bags, containing a total of approximately 6,000 pounds, of peanuts, in the possession of the United States Cold Storage Co., Kansas City, Mo.

This product had been stored under insanitary conditions after shipment. Rodent excreta pellets, rodent urine stains, and rodent-gnawed holes were noted on the bags. The peanuts were contaminated with rodent excreta and rodent hair fragments.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy substances, since it contained rodent excreta and rodent hair fragments; and, Section 402 (a) (4), it had been stored under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: May 3, 1944. United States Cold Storage Co., appeared as claimant. Judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The unfit portion was segregated and disposed of as stock feed.

5980. Adulteration of peanut butter. U. S. v. 70 Cases and 20 Cases of Peanut Butter. Default decree of condemnation. Product ordered destroyed. (F. D. C. No. 10500. Sample No. 16081-F.)

LIBEL FILED: September 1, 1943, District of Idaho.

ALLEGED SHIPMENT: On or about October 30, 1942, by Jaxon Foods, Inc., Jacksonville, Fla.

PRODUCT: 70 cases, each containing 12 1½-pound jars, and 20 cases, each containing 24 1-pound jars, of peanut butter at Pocatello, Idaho.

LABEL, IN PART: "Little Moore Brand Peanut Butter"

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of dirt or grit.

DISPOSITION: October 22, 1943. No claimant having appeared, judgment of condemnation was entered and the product was ordered to be delivered to the Idaho Salvage Committee of the War Production Board. Upon refusal of the Committee to accept the product, an amended decree was entered on January 24, 1944, ordering the destruction of the peanut butter.

5981. Adulteration and misbranding of peanut butter. U. S. v. 67 Cases of Peanut Butter (and 3 other seizure actions against peanut butter). Decrees of condemnation. Portions of product ordered released under bond, one lot to be relabeled, one lot to be repackaged, and one lot to be used as animal food. The remaining lot was ordered to be delivered to a charitable institution. (F. D. C. Nos. 11026, 11659, 11888, 12033. Sample Nos. 35738-F, 36666-F, 36667-F, 37390-F, 57240-F.)

LIBELS FILED: October 30, 1943, District of Colorado; January 17, 1944, District of Maryland; February 28, 1944, Western District of South Carolina; March 22, 1944, District of New Jersey.

ALLEGED SHIPMENT: On various dates between March 8 and December 7, 1943, from Haddock, Ga., by the Cherokee Products Co.

PRODUCT: 67 cases of peanut butter at Grand Junction, Colo., 145 cases at Baltimore, Md., 87 cases at Greenville, S. C., and 80 cases at Carlstadt, N. J.

LABEL, IN PART: "Georgia Gold Peanut Butter Net Weight 1 Lb. [or "2 Lbs.," or "12 Ozs.,"] Peanut Butter," or "O'Sage Brand Contents 12 Oz."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product (Baltimore lot) consisted in whole or in part of a filthy substance by reason of the presence of insect fragments.

Misbranding, Section 403 (a), the product at Grand Junction, Greenville, and Carlstadt, was misbranded in that the statements of the quantity of contents, appearing in the label, were false and misleading as applied to a product which was short-weight; and, Section 403 (e) (2), the product was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: December 7 and 22, 1943, and March 24 and June 1, 1944. The Cherokee Products Co., claimant for the lots at Grand Junction, Baltimore, and Carlstadt, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond, the 67 cases of peanut butter at Grand Junction, Colo., to be relabeled; the 80 cases at Carlstadt, N. J., to be repackaged or refilled to the declared weight; and the 145 cases at Baltimore, Md., to be used for animal feed. No claimant having appeared for the 87 cases at Greenville, S. C., judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

5982. Adulteration of pifion nuts. U. S. v. 900 Sacks of Pifion Nuts. Decree of condemnation. Product ordered released under bond for cleaning. (F. D. C. Nos. 11862, 11865, 11866. Sample No. 39661-F.)

LIBEL FILED: February 18, 1944, Southern District of California.