

misbranded. It was labeled variously: "Jo-Jo P-Nut Butter"; "Producers Jo-Jo Brand Peanut Butter * * * Producers Peanut Co. Inc. Suffolk, Va."; or "Melton Pure Peanut Butter Distributed by Brownell & Field Co. Providence."

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

The 1-pound size seized at Pickens, S. C., was alleged to be misbranded in that the statement "net wt. 1 lb." 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 the contents.

Between June 5 and July 15, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

921. Adulteration and misbranding of peanut butter. U. S. v. 49 Cases and 18 Cases of Peanut Butter (and 1 other seizure action involving peanut butter). Default decrees of condemnation and destruction. (F. D. C. Nos. 1811, 1812. Sample Nos. 2246-E, 2817-E, 2818-E.)

The product in one of these shipments was found to contain sand and clay and that in the other shipment was found to contain insect fragments, rodent excreta, hairs, and dirt. The 2-pound jars in the latter shipment were also short weight.

On April 15 and 19, 1940, the United States attorneys for the District of Massachusetts and the District of Rhode Island filed libels against 67 cases of peanut butter at Boston, Mass., and 133 jars of peanut butter at Woonsocket, R. I., alleging that the article had been shipped in interstate commerce within the period from on or about September 19, 1939, to on or about February 21, 1940, by Producers Peanut Co., Inc., from Suffolk, Va.; and charging that it was adulterated and that a portion was also misbranded. The article was labeled in part: "Lily Brand Peanut Butter 32 [or "16" or "8"] Ozs. Net [or "Net Wt. 2 lb.]."

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

One lot was alleged to be misbranded in that the statement on the label, "32 Ozs. Net," 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 the contents.

On May 16 and 27, 1940, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

922. Misbranding of peanut butter. U. S. v. 147, 235, and 93 Cases of Peanut Butter. Consent decree of condemnation. Product released under bond to be relabeled. (F. D. C. No. 1835. Sample No. 731-E.)

This product was short weight.

On April 19, 1940, the United States attorney for the Western District of North Carolina filed a libel against 475 cases of peanut butter at Charlotte, N. C., alleging that the article had been shipped in interstate commerce on or about March 22, 1940, by Castleberry's Food Co. from Augusta, Ga.; and charging that it was misbranded. It was labeled in part: "Castleberry's Peanut Butter * * * Net Weight 2 Lb. [or "1 Lb." or "8 Oz.]."

It was alleged to be misbranded in that the statements on the label, "Net Weight 2 Lb.," "Net Weight 1 Lb.," and "Net Weight 8 Oz.," were false and misleading in that they were not correct. It was alleged to be misbranded further in that it was in package form and did not bear an accurate statement of the quantity of the contents.

On July 1, 1940, Castleberry's Food Co. Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled in compliance with the law.

923. Misbranding of peanut butter. U. S. v. 24 Cartons of Peanut Butter. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 1107. Sample No. 78536-D.)

This product was short of the declared weight.

On December 5, 1939, the United States attorney for the Southern District of West Virginia filed a libel against 24 cartons of peanut butter at Mabscott, W. Va., alleging that the article had been shipped in interstate commerce on or about September 27, 1939, by Old Reliable Peanut Co. from Suffolk, Va.; and charging that it was misbranded. It was labeled in part: "Golden Tint Brand Peanut Butter."