

**7865. Adulteration of peanuts. U. S. v. 70 Bags of Peanuts. Decrees of condemnation. Portion of product ordered released under bond; remainder ordered sold.** (F. D. C. Nos. 14505, 14506. Sample Nos. 89698-F, 89699-F.)

**LIBEL FILED:** November 21, 1944, Eastern District of Missouri.

**ALLEGED SHIPMENT:** On or about September 26, 1944, by the Birdsong Storage Co., Suffolk, Va.

**PRODUCT:** 70 85-pound bags of peanuts, at St. Louis, Mo.

**LABEL, IN PART:** "Birdsong's Star Brand Virginia Hand Picked Jumbo Peanuts."

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of filthy and decomposed substances by reason of the presence of insect-damaged and decomposed peanuts.

**DISPOSITION:** December 21, 1944. The Podolsky Brothers Wholesale Grocers, St. Louis, Mo., having appeared as claimant for a portion of the product and having admitted the allegations of the libel, judgment of condemnation was entered against that portion and it was ordered released under bond to be brought into compliance with the law or destroyed, under the supervision of the Food and Drug Administration. On December 27, 1944, no claimant having appeared for the remainder of the product, judgment of condemnation was entered and the product was ordered sold to the highest bidder, for use in compliance with the law.

**7866. Adulteration of peanut butter. U. S. v. Kimbell Milling Co. (Kimbell Food Products Co.). Plea of guilty. Fine, \$500 on count 1; sentence suspended on count 2, and defendant placed on probation for 6 months.** (F. D. C. No. 14220. Sample Nos. 43894-F, 66759-F.)

**INFORMATION FILED:** December 19, 1944, Northern District of Texas, against the Kimbell Milling Co., a corporation trading as the Kimbell Food Products Co., Forth Worth, Tex.

**ALLEGED SHIPMENT:** On or about December 15, 1943, and February 22, 1944, from the State of Texas into the States of Oklahoma and Kansas.

**LABEL, IN PART:** "K B \* \* \* Peanut Butter [or "Peanut Krackel"]."

**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 rat or mouse excreta fragments and hairs in one lot, and sand, dirt, stones, hard seeds, and hard pieces of stem in the remaining lot; and, Section 402 (a) (4), one lot had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** January 9, 1945. A plea of guilty having been entered on behalf of the defendant, a fine of \$500 was imposed on count 1. Imposition of sentence was suspended on count 2, and the defendant was placed on probation for 6 months.

**7867. Adulteration of peanut butter. U. S. v. 8 Cases of Peanut Butter. Default decree of condemnation and destruction.** (F. D. C. No. 14000. Sample No. 79672-F.)

**LIBEL FILED:** October 30, 1944, Eastern District of North Carolina.

**ALLEGED SHIPMENT:** On or about July 15, 1944, by Southgate Foods, from Norfolk, Va.

**PRODUCT:** 8 cases, each containing 12 jars, of peanut butter at Washington, N. C.

**LABEL, IN PART:** "Lynnhaven 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.

**DISPOSITION:** January 26, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**7868. Adulteration of peanut butter. U. S. v. 40 Cases of Peanut Butter. Default decree of condemnation and destruction.** (F. D. C. No. 14345. Sample No. 63756-F.)

**LIBEL FILED:** November 1, 1944, Western District of North Carolina.

**ALLEGED SHIPMENT:** On or about April 11, 1944, by Southgate Foods, from Norfolk, Va.

**PRODUCT:** 40 cases, each containing 24 1-pound jars, of peanut butter at Gastonia, N. C.

**LABEL, IN PART:** (Jar) "Lynnhaven 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.

**DISPOSITION:** December 6, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**7869. Adulteration and misbranding of peanut butter. U. S. v. 25 Cases and 49 Cases of Peanut Butter. Decrees of condemnation and forfeiture. Portion of product ordered released under bond; remainder ordered delivered to a charitable institution, for use as animal feed. (F. D. C. Nos. 14132, 14746. Sample Nos. 62150-F, 99110-F.)**

**LIBELS FILED:** October 25 and December 8, 1944, Western District of Texas and Eastern District of Illinois.

**ALLEGED SHIPMENT:** On or about August 28, 1943, and October 23, 1944, by the Robertson Peanut Co., from Clayton, Ala.

**PRODUCT:** 25 cases and 49 cases, each containing 24 1-pound jars, of peanut butter at San Antonio, Tex., and Cairo, Ill., respectively.

**LABEL, IN PART:** "Delicious Brand Peanut Butter."

**VIOLATIONS CHARGED:** Adulteration, Section 402 (a) (3), (San Antonio lot only) the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta, rodent hairs, and insect fragments.

Misbranding (Cairo lot only), Section 403 (a), the statement "Net Weight One Pound" was false and misleading as applied to the product, which was short-weight; and, Section 403 (e) (2), the product was food in package form and its label failed to bear an accurate statement of the quantity of the contents since the jars contained less than "One Pound," the weight declared.

**DISPOSITION:** December 30, 1944. The McKnight-Keaton Grocery Co., Cairo, Ill., claimant for the lot at Cairo, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration. On February 21, 1945, no claimant having appeared for the lot at San Antonio, judgment of forfeiture was entered and the product was ordered delivered to a charitable institution, for use as animal feed after it had been denatured.

**7870. Misbranding of peanut butter. U. S. v. 12 Cases of Peanut Butter. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 12771. Sample No. 60651-F.)**

**LIBEL FILED:** June 26, 1944, District of Nevada.

**ALLEGED SHIPMENT:** On or about March 3, 1944, by the California Peanut Co., from Oakland, Calif.

**PRODUCT:** 12 cases, each containing 24 jars, of peanut butter at Reno, Nev.

**LABEL, IN PART:** (Jars) "C. P. C. Peanut Butter \* \* \* 1 Pound."

**VIOLATIONS CHARGED:** Misbranding, Section 403 (a), the statement "1 Pound" was false and misleading as applied to the article, which was short-weight; and, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents.

**DISPOSITION:** August 12, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

**7871. Adulteration of shelled pecan pieces. U. S. v. 8 Cartons of Shelled Pecan Pieces. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14756. Sample No. 83550-F.)**

**LIBEL FILED:** December 13, 1944, Western District of Texas.

**ALLEGED SHIPMENT:** On or about November 27, 1944, by Van De Kamps Bakeries, from Seattle, Wash.

**PRODUCT:** 8 cartons of shelled pecan pieces at El Paso, Tex.

**LABEL, IN PART:** "L-Paso Brand Shelled Pecans \* \* \* Pecan Pieces."

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of moldy pecan pieces.

**DISPOSITION:** February 5, 1945. Azar Brothers, El Paso, Tex., claimant, having admitted that the product was adulterated, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law.