

10333. Misbranding of peanut butter. U. S. v. 8 Cases of Peanut Butter. Default decree of condemnation. Product ordered delivered to a Federal institution. (F. D. C. No. 17770. Sample No. 800-H.)

LIBEL FILED: November 30, 1945, Northern District of Florida.

ALLEGED SHIPMENT: On or about April 7 and July 25, 1945, by Cinderella Foods, from Dawson, Ga.

PRODUCT: 8 cases, each containing 24 jars, of peanut butter at Tallahassee, Fla. Examination showed that the product was short-weight.

LABEL, IN PART: "Fairy Wand Peanut Butter * * * Net Weight 1 Lb."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: May 20, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a Federal institution, for use as hog feed.

SPICES, FLAVORS, AND SEASONING MATERIALS

10334. Adulteration of chili peppers. U. S. v. Christopher L. Prats (C. L. Prats Chili Co.). Plea of nolo contendere. Fine, \$100 on count 1; sentence suspended on remaining counts, and defendant placed on probation for 60 days. (F. D. C. No. 17796. Sample Nos. 30937-H, 30938-H, 31707-H, 31711-H, 31722-H, 31724-H.)

INFORMATION FILED: February 27, 1946, District of Arizona, against Christopher L. Prats, trading as the C. L. Prats Chili Co., McNeal, Ariz.

ALLEGED SHIPMENT: Between the approximate dates of November 22, 1944, and February 15, 1945, from the State of Arizona into the State of California.

NATURE OF CHARGE: Adulteration, Section 402(a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of dirt, rodent hairs, insect fragments, rodent-chewed and insect-infested peppers, and, a decomposed substance, decomposed chili pepper material.

DISPOSITION: On June 26, 1946, a plea of nolo contendere having been entered, the court imposed a fine of \$100 on count 1, suspended the imposition of sentence on the remaining 5 counts for 1 year, and placed the defendant on probation for that period. On July 19, 1946, an order was entered modifying and reducing the probation period to 60 days.

10335. Adulteration and misbranding of imitation pepper. U. S. v. Tulah Evans Brooks (General Products Co.). Plea of guilty. Fine, \$500. Defendant placed on probation for 3 years. (F. D. C. No. 16586. Sample No. 217-H.)

INFORMATION FILED: On or about November 6, 1945, Middle District of Georgia, against Tulah Evans Brooks, trading as the General Products Co., Albany, Ga.

ALLEGED SHIPMENT: On or about March 1, 1945, from the State of Georgia into the State of North Carolina.

LABEL, IN PART: "Ritz Black Pepper Decortication With buckwheat middlings added."

NATURE OF CHARGE: Adulteration, Section 402(b) (1), a valuable constituent, pepper, had been in whole or in part omitted from the product; and, Section 402(b) (2), a mixture of buckwheat hulls and bran and flour with pepper shells had been substituted in whole or in part for black pepper.

Misbranding, Section 403(a), the label statement "Black Pepper," borne prominently on the label, was false and misleading; and this false and misleading impression created by the prominent statement was not corrected by the inconspicuous statement "Decortication with buckwheat middlings added." Further misbranding, Section 403(e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents, for the label bore no statement of the quantity of the contents.

DISPOSITION: April 2, 1946. A plea of guilty having been entered, the defendant was fined \$500 and placed on probation for 3 years.

10336. Adulteration of imitation pepper. U. S. v. 711 Packages of Imitation Pepper (and 2 other seizure actions against imitation pepper). Default decrees of condemnation and destruction. (F. D. C. Nos. 17602, 17604, 17605. Sample Nos. 688-H, 1403-H, 2734-H.)

LIBELS FILED: September 25 and 27, 1945, District of Maryland and Northern District of Georgia.