

PRODUCT: 228 cases, each containing 25 1-pound bags, of mixed nuts at Cincinnati, Ohio.

LABEL, IN PART: (Bag) "Mixed Nuts Mistletoe Walnuts, Brazils, Filberts, Almonds, Pecans."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, pecans, had been in whole or in part omitted from the article.

Misbranding, Section 403 (a), the label designation "Pecans" was false and misleading as applied to an article which contained no pecans or an insignificant amount of pecans.

DISPOSITION: December 12, 1950. William A. Higgins & Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling, under the supervision of the Federal Security Agency, and that all references to pecans be omitted from the labels.

17046. Adulteration of brazil nuts. U. S. v. 20 Bags * * *. (F. D. C. No. 30194. Sample No. 91508-K.)

LIBEL FILED: November 9, 1950, District of Minnesota.

ALLEGED SHIPMENT: On or about September 5 and 14, 1950, by William A. Higgins & Co., Inc., from New York, N. Y.

PRODUCT: 20 100-pound bags of brazil nuts at Duluth, Minn.

LABEL, IN PART: "Large Washed Brazil Nuts Product of Brazil."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of moldy brazil nuts, and was otherwise unfit for food by reason of the presence of rancid brazil nuts.

DISPOSITION: January 26, 1951. Default decree of condemnation. The court ordered that in lieu of destruction, the product be denatured and used for animal feed, under the supervision of the Food and Drug Administration.

17047. Adulteration of shelled peanuts. U. S. v. 200 Bags * * *. (F. D. C. No. 29979. Sample No. 92782-K.)

LIBEL FILED: November 2, 1950, Middle District of Tennessee.

ALLEGED SHIPMENT: On or about July 24, 1950, from Donalsonville, Ga.

PRODUCT: 200 124-pound bags of shelled peanuts at Nashville, Tenn., in possession of Noel & Co.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance by reason of the presence of rodent excreta and moldy nuts; and, Section 402 (a) (4), the product had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 20, 1950. The Standard Candy Co., Nashville, Tenn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for the purpose of segregating the fit from the unfit portion and converting the latter into animal feed, under the supervision of the Food and Drug Administration. 167 bags of peanuts were found to be satisfactory and were released. From the remaining 33 bags of peanuts, 3,954 pounds were released as good and 138 pounds were denatured for use as animal feed.