

24341. Cashew nuts. (F. D. C. No. 40742. S. No. 79-857 M.)

QUANTITY: 234 cases, each containing 2 25-lb. tins, at St. Paul, Minn.

SHIPPED: 5-31-57, from New York, N. Y.

LIBELED: 9-18-57, Dist. Minn.

CHARGE: 402 (a) (3)—contained insects while held for sale.

DISPOSITION: 10-8-57. Consent—claimed by Fisher Nut Co., St. Paul, Minn. Segregated; 2,000 lbs. destroyed.

24342. Peanut butter. (F. D. C. No. 40729. S. Nos. 58-190/1 M.)

QUANTITY: 7 cases, 12 2-lb. jars each, and 9 cases, 12 24-oz. jars each, at Pittsburg, Kans.

SHIPPED: 6-27-57 and 8-5-57, from Oklahoma City, Okla., by Bailey Mfg. Co., Inc.

LABEL IN PART: (Jar) "Bailey's Old King Cole Brand Peanut Butter."

LIBELED: 9-16-57, Dist. Kans.

CHARGE: 402 (a) (3)—contained rodent excreta pellet fragments, rodent hairs, and insect fragments; and 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 10-25-57. Default—destruction.

24343. Peanut butter. (F. D. C. No. 40725. S. No. 67-942 M.)

QUANTITY: 8 cases, 12 12-oz. jars each, at Kansas City, Kans.

SHIPPED: 7-1-57, from Kansas City, Mo., by Holsum Products.

LABEL IN PART: (Jar) "Shurfine * * * Peanut Butter."

LIBELED: 9-9-57, Dist. Kans.

CHARGE: 402 (a) (3)—contained insect fragments; and 402 (a) (4)—prepared under insanitary conditions.

DISPOSITION: 10-18-57. Default—destruction.

SPICES, FLAVORS, AND SEASONING MATERIALS

24344. Cultured mushroom salt. (F. D. C. No. 38132. S. Nos. 10-067 M, 10-565 M.)

INDICTMENT RETURNED: 9-28-55, W. Dist. Wash., against Cultured Mushroom Industries, Inc., Seattle, Wash., and Arthur Thomas Lelles, president of the corporation.

SHIPPED: 1-31-55 and 2-10-55, from Washington to Wisconsin and Iowa.

LABEL IN PART: (Ctn.) "Cultured Mushroom Salt Made from Cultured Dried Mushrooms Seasoned with Salt Net Wt. ¾ Oz. Cultured Mushroom Industries, Inc., Seattle, U. S. A."

CHARGE: 402 (a) (3)—contained insect larvae and insect fragments when shipped.

PLEA: Not guilty.

DISPOSITION: On 10-31-55, defendants filed a motion to dismiss and a motion for a bill of particulars; both motions were denied on 11-14-55.

The case came on for trial before a jury on 2-23-56. The corporate defendant moved for a judgment of acquittal at the close of the Government's case and at the close of all the evidence. The court reserved ruling, pursuant