

DISPOSITION: 6-5-61. Consent—claimed by Superior Honey Co., Denver, Colo., and exported to original suppliers in Spain.

**27379. Pumpkin pie filling.** (F.D.C. No. 45590. S. No. 17-099 R.)

QUANTITY: 406 cases, 24 1-lb. 2-oz. cans each, at Indianapolis, Ind.

SHIPPED: Between 10-11-60 and 11-8-60, from Hoopeston, Ill., by Stokely-Van Camp, Inc.

LABEL IN PART: (Can) "Stokely's Finest Ready to Bake Pumpkin Pie Filling \* \* \* Distributed by Stokely-Van Camp Inc., Indianapolis, Indiana."

LIBELED: On or about 4-10-61, S. Dist. Ind.

CHARGE: 403(a)—when shipped, the label statements "Pumpkin Pie Filling" and "Ready to Bake" were false and misleading as applied to this product since the article was not a complete filling and was not ready to bake since milk and eggs must be added.

DISPOSITION: 4-21-61. Consent—claimed by Stokely-Van Camp, Inc., and relabeled.

### TOMATOES AND TOMATO PRODUCTS

**27380. Canned tomatoes.** (F.D.C. No. 44237. S. No. 90-823 P.)

QUANTITY: 947 cases, 24 1-lb. cans each, at Manchester, N.H.

SHIPPED: 10-24-59, from Greenwood, Del., by Bramble Canning Corp.

LABEL IN PART: (Can) "Elmdale Tomatoes \* \* \* National Retailer-Owned Grocers, Inc. Distributors \* \* \* Chicago, Ill."

LIBELED: 2-12-60, Dist. N.H.

CHARGE: 402(a)(3)—contained fly eggs and maggots when shipped.

DISPOSITION: 5-27-60. Consent—claimed by Bramble Canning Corp. Segregated; 603 cases destroyed.

**27381. Canned tomatoes.** (F.D.C. No. 45755. S. No. 56-730 R.)

QUANTITY: 601 cases, 24 1-lb. 12-oz. cans each, at Linden, N.J.

SHIPPED: 2-23-61 and 3-13-61, from Princess Anne, Md., by Kings Creek Canning Co.

LABEL IN PART: (Can) "Fyne-Taste Selected Tomatoes \* \* \* Distributed By Tulip, Inc., Phila. 34, Pa."

LIBELED: 5-2-61, Dist. N.J.

CHARGE: 403(h)(1)—when shipped, the quality of the article fell below the standard of quality for canned tomatoes since the drained weight of the contents of the container of the article was less than 50 percent of the weight of the water required to fill the container, and its label failed to bear a statement that it fell below such standard.

DISPOSITION: 6-19-61. Default—delivered to charitable institutions.

**27382. Canned tomatoes.** (F.D.C. No. 45820. S. No. 10-539 R.)

QUANTITY: 298 cases, 24 1-lb. cans each, at Buffalo, N.Y.

SHIPPED: 3-17-61, from Preston, Md., by A. W. Sisk & Son.

LABEL IN PART: (Can) "Red-Glo Peeled Tomatoes \* \* \* Albert W. Sisk and Son Distributors."

LIBELED: 6-2-61, W. Dist. N.Y.

**CHARGE:** 402(a)(3)—contained fly eggs and maggots when shipped; and 403(h)(1)—the quality of the article fell below the standard of quality for canned tomatoes since the article contained tomato peel per pound of canned tomatoes in the container which covered an area of more than one square inch, and its label failed to bear, as specified by regulations, a statement that it fell below such standard.

**DISPOSITION:** 6-29-61. Default—destruction.

**27383. Tomato paste.** (F.D.C. No. 45619. S. No. 16-852 R.)

**QUANTITY:** 100 cases, 6 10-lb. cans each, at Cincinnati, Ohio.

**SHIPPED:** 11-18-60, from San Francisco, Calif.

**LIBELED:** 4-7-61, S. Dist. Ohio.

**CHARGE:** 402(a)(3)—contained swelled cans while held for sale.

**DISPOSITION:** 5-2-61. Consent—claimed by Tri-Valley Packing Association, San Francisco, Calif. Segregated; 75 cans destroyed.

## NUTS

**27384. Unshelled almonds.** (F.D.C. No. 45278. S. No. 45-253 R.)

**QUANTITY:** 31 cases, 24 1-lb. bags each, at Seattle, Wash.

**SHIPPED:** 10-19-60, from Chico, Calif.

**LIBELED:** 12-7-60, W. Dist. Wash.

**CHARGE:** 402(a)(3)—contained insect-damaged nuts while held for sale.

**DISPOSITION:** 12-28-60. Consent—claimed by Continental Nut Co., Chico, Calif. Segregated; 44 lbs. destroyed.

**27385. Unshelled almonds and unshelled mixed nuts (5 seizure actions).** (F.D.C. Nos. 45176, 45368, 45374, 45375, 45383. S. Nos. 36-864 R, 41-500 R, 45-227 R, 64-467/8 R, 64-472 R.)

**QUANTITY:** 426 50-lb. bags, 326 75-lb. bags, 215 cases, 24 1-lb. bags each, and 187 various size sacks, at Modesto, Calif.

**SHIPPED:** Between 9-27-60 and 12-6-60, from Modesto, Calif., to Philadelphia, Pa., and Seattle, Wash., and subsequently returned to Modesto, Calif.

**LABEL IN PART:** "S and W Neplus Almonds Packed by S & W Fine Foods, Inc., San Francisco, Calif."; "Palmdale Fancy Mixed nuts Packed by S & W Fine Foods Inc. San Francisco, Calif."; "Packed by S & W Fine Foods, Inc., San Francisco, California \* \* \* S & W California Almonds"; and "S & W Softshell Almonds Packed by S & W Fine Foods, Inc., San Francisco, California."

**LIBELED:** 12-13-60; 12-23-60; 12-27-60; 1-3-61; 1-11-61, N. Dist. Calif.

**CHARGE:** 402(a)(3)—contained insects, insect-infested, moldy, shriveled, gummy nuts, and empty shells when shipped.

**DISPOSITION:** 1-30-61. Consent—claimed by S & W Fine Foods, Inc. Segregated; 3,801 lbs. destroyed.

**27386. Unshelled mixed nuts.** (F.D.C. No. 44014. S. No. 97-661 P.)

**QUANTITY:** 235 cases, 24 1-lb. boxes each, at Kansas City, Kans.

**SHIPPED:** 12-2-59, from Chico, Calif.