

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.

LIBELED: 1-12-60, Dist. Kans.

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

DISPOSITION: 2-8-60. Consent—claimed by Continental Nut Co., Chico, Calif.

The article was subsequently commingled with the articles involved in the libel actions reported in food notice of judgment, No. 26709. The commingled lot was segregated resulting in the destruction of the unfit portion.

27387. Unshelled mixed nuts. (F.D.C. No. 44096. S. No. 21-461 R.)

QUANTITY: 21 50-lb. bags at Detroit, Mich.

SHIPPED: 12-1-59, from New York, N.Y.

LIBELED: 3-17-60, E. Dist. Mich.

CHARGE: 402(a) (3)—contained moldy, rancid, decomposed, shriveled nuts, and empty shells while held for sale.

DISPOSITION: 4-7-60. Consent—claimed by Graham Co., Inc., New York, N.Y., and Marks & Goergens, Inc., Detroit, Mich. Segregated; 17 lbs. destroyed.

27388. Pinon nuts. (F.D.C. No. 44068. S. No. 96-507 P.)

QUANTITY: 2,572 72-lb. bags at Cahone, Colo.

SHIPPED: Approximately 90 percent of the article was shipped during October, November, and December 1959, from New Mexico; the remainder was shipped from various places in Colorado.

LIBELED: 2-17-60, Dist. Colo.

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

DISPOSITION: 5-6-60. Consent—claimed by Lawrence Warehouse Co., San Francisco, Calif. Segregated; 805 lbs. destroyed.

27389. Shelled Spanish peanuts. (F.D.C. No. 45910. S. No. 45-416 R.)

QUANTITY: 4 124-lb. bags at Columbia, S.C.

SHIPPED: 4-21-61, from Albany, Ga., by Bain Peanut Co.

LABEL IN PART: (Tag) "No. 1 Spanish Shelled Peanuts Packed by Bain Peanut Company Albany, Georgia Lot No. 9."

LIBELED: 6-1-61, E. Dist. S.C.

CHARGE: 402(a) (3)—contained insects, insect parts, and rodent hairs; and 402(a) (4)—prepared and packed under insanitary conditions.

DISPOSITION: 7-10-61. Default—destruction.

27390. Shelled pecans. (F.D.C. No. 45470. S. No. 11-869 R.)

QUANTITY: 10 30-lb. ctns. at Chicago, Ill., in possession of J. Barsotti & Co.

SHIPPED: 12-3-60, from Monroe, La.

RESULTS OF INVESTIGATION: The article was prepared and packed by the dealer from unshelled pecan nuts shipped as described above.

LIBELED: 2-12-61, N. Dist. Ill.

CHARGE: 402(a) (3)—contained *E. coli* while held for sale; and 402(a) (4)—prepared and packed under insanitary conditions.

DISPOSITION: 3-1-61. Consent—claimed by J. Barsotti & Co., and reconditioned by washing, drying, and roasting.