

CHARGE: 403(a)—when shipped, the label vignette depicting whole nuts and the label statement "Whole Cashew" were false and misleading as applied to a product consisting of halves and small pieces of nuts; 403(e) (2)—the article failed to bear a label containing an accurate statement of the quantity of the contents; and 403(f)—the information required by 403(e) (1) and (2) to appear on the label, namely, the quantity of contents statement and the name and address of the manufacturer, packer, or distributor, were not prominently placed on the label with such conspicuousness (as compared with other words and statements on the label) as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: 11-27-61. Consent—delivered to charitable institutions.

27724. Brazil nuts. (F.D.C. No. 46863. S. No. 3-346 T.)

QUANTITY: 19 cases, 24 1-lb. pkgs. each, at Norton, Va.

SHIPPED: 11-29-61, from Bluefield, W. Va.

LIBELED: On or about 12-29-61, W. Dist. Va.

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

DISPOSITION: 2-14-62. Default—destruction.

27725. Unshelled mixed nuts and unshelled walnuts. (F.D.C. No. 46529. S. No. 23-319 T.)

QUANTITY: 19 50-lb. bags of mixed nuts, and 3 50-lb. bags of walnuts, at Casper, Wyo., in possession of S&S Distributing Co.

SHIPPED: 11-9-60, from Modesto, Calif.

LIBELED: 11-13-61, Dist. Wyo.

CHARGE: 402(a) (3)—contained filthy substance by reason of the presence of rodent urine and rodent excreta in the bags of the article; and 402(a) (4)—held under insanitary conditions.

DISPOSITION: 1-3-62. Default—destruction.

27726. Shelled walnuts. (F.D.C. No. 46837. S. No. 33-946 T.)

QUANTITY: 30 5-lb. ctns. at Mankato, Minn.

SHIPPED: Between 6-19-61 and 8-17-61, from San Jose, Calif., by Mayfair Packing Co.

LABEL IN PART: (Ctn.) "5# of Walnut Meats."

LIBELED: 12-7-61, Dist. Minn.

CHARGE: 402(a) (3)—contained insect excreta, insect webbing, and insect-infested nut meats when shipped.

DISPOSITION: 2-20-62. Default—destruction.

27727. Shelled pecans and shelled walnuts. (F.D.C. No. 46858. S. Nos. 34-469/70 T.)

QUANTITY: 73 cases, 24 pkgs. each, of pecans, and 886 cases, 24 pkgs. each, of walnuts, at Hopkins, Minn., in possession of Northwest Confections, Inc.

SHIPPED: 10-7-61 and 11-8-61, from Waycross, Ga., and Chico, Calif.

LABEL IN PART: (Pkg.) "Pecan Nuggets * * * Distributor Red Owl Stores, Inc.—Fargo, N. Dakota—Hopkins, Minn.—Green Bay, Wis. Net. Wt. 2 Oz. 521" and "Walnut Nuggets * * * Distributors Red Owl Stores, Inc. * * * Fargo, N.D.—Hopkins, Minn.—Green Bay, Wis. Net. Wt. 2½ Oz. 521."

RESULTS OF INVESTIGATION: The articles were repacked and labeled by the dealer from bulk stocks shipped as described above. Examination showed that the articles were short weight.

LIBELED: 12-27-61, Dist. Minn.

CHARGE: 403(e) (2)—while held for sale, the articles failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 1-4-62. Consent—claimed by Northwest Confections, Inc., Minneapolis, Minn., and released under bond for repacking and relabeling.

27728. Shelled Spanish peanuts. (F.D.C. No. 46838. S. No. 47-983 T.)

QUANTITY: 13 124-lb. bags at St. Louis, Mo., in possession of Mavrakos Candy Co.

SHIPPED: 9-2-61, from Albany, Ga.

LIBELED: 12-8-61, E. Dist. Mo.

CHARGE: 402(a) (3)—contained rodent urine; and 402(a) (4)—held under insanitary conditions.

DISPOSITION: 1-19-62. Default—delivered to a public institution for use as animal feed.

27729. Peanut butter. (F.D.C. No. 46817. S. No. 7-178 T.)

QUANTITY: 46 cases, 24 jars each, at Bangor, Maine.

SHIPPED: 9-26-61 and 11-6-61, from Boston, Mass., by Kelly Peanut Corp.

LABEL IN PART: (Jar) "Gold Flake Creamy Smooth Peanut Butter * * * Net Wt. 12 Oz. Kelly Peanut Corp., Boston, Mass."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 12-22-61, Dist. Maine.

CHARGE: 403(e) (2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 1-29-62. Default—delivered to a charitable institution.

27730. Frozen coconut. (F.D.C. No. 46791. S. Nos. 3-022/4 T.)

QUANTITY: 647 cases, 12 6-oz. bags each, and 29 cases, 10 5-lb. bags each, at Richmond, Va.

SHIPPED: 10-2-61, from Atlanta, Ga., by Convenient Foods Co.

LABEL IN PART: (Bag) "Tropic Isle Fresh Frozen Coconut Grated * * * Convenient Foods Co., Atlanta, Ga."

LIBELED: 12-15-61, E. Dist. Va.

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

DISPOSITION: 1-25-62. Default—destruction.