

DISPOSITION: 11-26-62. Consent—claimed by Ruby's Jams & Jellies, and re-labeled.

28658. Glaced fruit and fruit peel. (F.D.C. No. 48272. S. Nos. 9-661/3 V, 9-665 V, 9-671/3 V.)

QUANTITY: 1,500 lbs. of citron, 1,500 lbs. of mixed fruit, 8,400 lbs. of orange peel, 700 lbs. of grapefruit peel, and 2,500 lbs. of citron melon, at North East, Pa., in possession of Ohio Fruit Products Co., Inc.

SHIPPED: Between 9-9-61 and 10-5-62, from Lakeland, Winter Haven, and unknown places in Florida, and from Sunnyvale, Calif.

LBELED: 11-5-62, W. Dist. Pa.

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

DISPOSITION: 11-27-62. Default—destruction.

28659. Strawberry topping. (F.D.C. No. 48093. S. No. 77-371 T.)

QUANTITY: 10 cases, 6 ½-gal. jars each, at Asheville, N.C., in possession of Crown Jewel Corp.

SHIPPED: Strawberry ingredient of the article shipped 4-25-62, from San Antonio, Tex., and color ingredient shipped between 1-22-59 and 5-25-60, from New York, N.Y.

LABEL IN PART: (Jar) "Crown Jewel Strawberry Topping Strawberries, Sugar, Corn Syrup, 1/10 of 1% Sodium Benzoate, Certified Color, Citric Acid. Manufactured by The Crown Jewel Corporation, Asheville, N.C."

RESULTS OF INVESTIGATION: The article was prepared and packed by the dealer from various ingredients shipped as above. Examination showed that the article contained External D&C Red No. 15, a color which as FD&C Red No. 1 had been delisted from Section 8.501(a) of the provisional list of color-additives, Color Additives Amendment of 1960, and certificate for which had been canceled.

LBELED: 9-7-62, W. Dist. N.C.

CHARGE: 402(c)—while held for sale, the article contained a color additive, namely, External D&C Red No. 15 (formerly FD&C Red No. 1), which was unsafe within the meaning of Section 706(a) since its use or intended use in food was not in conformity with a regulation or exemption in effect pursuant to 706; and 403(a)—the label statement "Certified Color" was false and misleading for an article containing a color additive, namely, External D&C Red No. 15, for which certification was not effective for use in food.

DISPOSITION: 11-2-62. Default—destruction.

VEGETABLES AND VEGETABLE PRODUCTS

28660. Cabbage. (F.D.C. No. 48335. S. No. 33-008 V.)

QUANTITY: 419 50-lb. bags, at Fort Smith, Ark.

SHIPPED: 10-16-62, from Hayward, Minn., by Noland Bros.

LABEL IN PART: (Bag) "New Cabbage Produce of U.S.A."

LBELED: 10-23-62, W. Dist. Ark.

CHARGE: 402(a) (2) (B)—when shipped, the article was a raw agricultural commodity and contained a pesticide chemical, namely, endrin, which was

unsafe within the meaning of 408(a); since no tolerance or exemption from the requirement of a tolerance for such pesticide chemical on cabbage had been prescribed by regulations.

DISPOSITION: 11-2-62. Consent—destruction.

28661. Dried corn. (F.D.C. No. 48001. S. No. 60-659 T.)

QUANTITY: 23 100-lb. bags at Bluffton, Ind.

SHIPPED: 6-1-62, from Avery, Ohio.

LIBELED: 8-27-62, N. Dist. Ind.

CHARGE: 402(a)(3)—contained insects, insect larvae, and insect pupae while held for sale.

DISPOSITION: 12-10-62. Default—destruction.

28662. Dried soybeans. (F.D.C. No. 48351. S. No. 45-630 V.)

QUANTITY: 98,600 lbs., at Mobile, Ala.

SHIPPED: 10-19-62, from Holcomb, Mo., by Houston Feed & Coal Co.

LIBELED: 11-8-62, S. Dist. Ala.

CHARGE: 402(a)(1)—when shipped, the article contained a poisonous and deleterious substance, namely *Crotalaria* seeds.

DISPOSITION: 11-19-62. Consent—claimed by B. C. Christopher & Co., Kansas City, Mo. Segregated; 780 lbs. destroyed.

28663. Dried red beans. (F.D.C. No. 47859. S. Nos. 50-556/7 R.)

INFORMATION FILED: 11-7-62, E. Dist. Wash., against Northwest Pea & Bean Co., Inc., Spokane, Wash., and Harold J. Roffler, president.

SHIPPED: 6-22-61, from Olds Station, Wash., to Buhl, Idaho.

LABEL IN PART: (Bag) "QUINCY WASHINGTON BEANS SMALL RED PACKED BY MID-VALLEY WAREHOUSE CO. QUINCY, WASH. 100 LBS. NET."

CHARGE: 402(a)(2)(B)—the article was a raw agricultural commodity and, when shipped, contained a pesticide chemical, namely, dieldrin, which was unsafe within the meaning of 408(a) since the quantity of dieldrin in and on the article was in excess of the zero tolerance for dieldrin in and on beans as prescribed by regulations.

PLEA: Guilty.

DISPOSITION: 1-22-63. Corporation—\$1,000 fine, and \$500 suspended fine; individual—\$150 fine, and \$250 suspended fine.

28664. Great Northern beans and dried pinto beans. (F.D.C. No. 48295. S. Nos. 83-597/98 T.)

QUANTITY: 10 bags of Great Northern beans, and 19 bags of pinto beans, at Russellville, Ark., in possession of M-K Grocer Co.

SHIPPED: Between 3-28-61 and 8-27-62, from Denver, Colo.

LIBELED: 10-4-62, E. Dist. Ark.

CHARGE: 402(a)(3)—contained insects, insect larvae, insect pupae, insect parts, and insect excreta; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 12-3-62. Default—delivered to a charitable institution for use as animal feed.