

Sherman Division, Information No. 1304. Between 3-29-61 and 9-11-61, while quantities of candy bars, rolled oats, egg noodles, and flour were being held for sale after shipment in interstate commerce, the defendant caused the articles to be placed in a building that was accessible to insects and caused the articles to be exposed to contamination by insects, which acts resulted in the articles being adulterated.

LABEL IN PART: (Jar) "Kimbell's Peanut Butter Net Wt. 1 lb. 8 ozs. Kimbell Food Products Co. Fort Worth, Texas"; (bag) "Sunnyfield Self-Rising Enriched Flour The Great Atlantic & Pacific Tea Co., Inc. New York, N.Y. Distributor"; and (bag) "Kimbell's Enriched Flour Kimbell-Diamond Milling Co. General Offices Fort Worth, Texas."

CHARGE: Fort Worth Division, Information No. 10302, 402(a)(3)—the shelled peanuts contained rodent urine; 402(a)(4)—the shelled peanuts were held under insanitary conditions; 402(a)(3)—the peanut butter contained rodent hairs; 402(a)(4)—peanut butter had been prepared and packed under insanitary conditions.

Sherman Division, Information No. 1302, 402(a)(3)—contained insects and rodent urine; 402(a)(4)—prepared and packed under insanitary conditions.

Pecos Division, Information No. 10389, 402(a)(3)—contained live and dead insects; 402(a)(4)—held under insanitary conditions.

Sherman Division, Information No. 1304, 402(a)(3)—contained insects; 402(a)(4)—held under insanitary conditions.

PLEA: Nolo contendere.

DISPOSITION: The Pecos Division Information and the Sherman Division Informations numbered 1302 and 1304, were transferred by consent to the Northern Dist. of Tex., and were filed there, on 10-15-62, as Informations numbered 10389, 10390, and 10391, respectively. On 12-20-62, Kimbell Milling Co., t/a Kimbell Food Products Co., fined \$1,000, Kay Kimbell fined \$200, C. Binkley Smith fined \$200, and C. T. Mathews fined \$200; Kimbell Milling Co., t/a Kimbell-Diamond Milling Co., fined \$3,500, Kay Kimbell fined \$700, C. Binkley Smith fined \$700, and Dewey C. Morrow fined \$700; H. O. Wooten Grocer Co. fined \$1,500, Kay Kimbell fined \$300, A. L. Scott fined \$300, and C. G. Lethcoe fined \$300; Kimbell Diamond Co., t/a Kimbell-Sherman Co., fined \$2,500, Kay Kimbell fined \$500, A. L. Scott fined \$500, and Austin Presley fined \$500.

OILS AND FATS

28785. Edible oil. (F.D.C. No. 48377. S. No. 6-101 V.)

QUANTITY: 15 cases, each containing 6 1-gal. cans, at East Providence, R.I.

SHIPPED: 10-10-62, from Boston, Mass., by C. Pappas Co., Inc.

LABEL IN PART: (Can) "Stella D'Oro Salad Oil * * * Containing 80% Choice Cottonseed Oil 20% Pure Imported Olive Oil Blended & Packed by C. Pappas Co., Inc. Boston, Mass." and (case) "Stella D'Oro Salad Oil 80% Pure Vegetable Oil 20% Olive Oil Packed by C. Pappas Company, Inc. Boston, Mass."

RESULTS OF INVESTIGATION: Examination showed that the article contained approximately 10 percent olive oil.

LIBELED: 11-23-62, Dist. R.I.

CHARGE: 402(b)(1)—when shipped, the valuable constituent, olive oil, had been in part omitted or abstracted therefrom; 402(b)(2)—cottonseed oil had been substituted in part for olive oil; and 403(a)—the label statements "20% Pure Imported Olive Oil" and "20% Olive Oil" were false and misleading as applied to an article containing less than 20 percent olive oil.

DISPOSITION: 12-11-62. Consent—claimed by C. Pappas Co., Inc., and re-blended with additional olive oil.

OLEOMARGARINE

28786. Margarine. (F.D.C. No. 47741. S. No. 32-395 T.)

QUANTITY: 53 cases, 24 12-oz. pkgs. each, at Los Angeles, Calif.

SHIPPED: Between 4-9-62 and 5-22-62, from Riverside, Calif., by Town Food Co.

LABEL IN PART: (Pkg.) "Town Margarine * * * Unsalted * * * Artificially Flavored, Artificially Colored With Carotene, A Natural Color From Carrots, With Finely Ground Soy Bean Added Town Food Co., Riverside, Calif. * * * Contains Non Hydrogenated Liquid Oils * * * Fortified with Vitamin 'A' * * * 2 ozs. supplies 47% of an adult's minimum daily Vitamin A."

RESULTS OF INVESTIGATION: Investigation showed that the article was sold in the same State in which it was produced. Analysis showed that the article contained approximately 18.6 percent of the amount of vitamin A required by the standard of identity for margarine with added vitamin A.

LIBELED: 7-19-62, S. Dist. Calif.

CHARGE: 402(b)(1)—when sold and while held for further sale, the valuable constituent, vitamin A, had been in part omitted from the article; 403(a)—the label statement "2 ozs. supplies 47% of an adult's minimum daily Vitamin A" was false and misleading, as applied to a product containing less than the declared amount of vitamin A; and 403(g)(1)—the article failed to conform to the definition and standard of identity for margarine with added vitamin A, since it contained less than 15,000 U.S. Pharmacopeia units of vitamin A per pound.

DISPOSITION: 10-16-62. Default—delivered to charitable institutions.

SPICES, FLAVORS, AND SEASONING MATERIALS

28787. Cayenne pepper. (F.D.C. No. 48340. S. No. 18-148 V.)

QUANTITY: 4 200-lb. drums at Canutillo, Tex.

SHIPPED: 10-3-62, from Glendale, Calif.

LIBELED: 10-26-62, W. Dist. Tex.

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

DISPOSITION: 1-8-63. Default—destruction.

28788. Garlic. (F.D.C. No. 48426. S. Nos. 18-139/40 V.)

QUANTITY: 127 50-lb. bags at Laredo, Tex.

SHIPPED: 10-18-62, from Watsonville, Calif.

LIBELED: 12-21-62, S. Dist. Tex.

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

DISPOSITION: 1-7-63. Consent—claimed by Antonio R. Rodriguez, t/a La India Packing Co., Laredo, Tex. Segregated; 381 pounds destroyed.