

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

DISPOSITION: 12-29-64. Consent—claimed by G. Angelo Fruit Co., Boston, Mass. The attempt to recondition the article was unsuccessful; the article was destroyed.

30076. Granulated peanuts. (F.D.C. No. 50778. S. No. 109-513 A.)

QUANTITY: 16 35-lb. ctns. at Cincinnati, Ohio.

SHIPPED: 10-29-64, from Pittsburgh, Pa.

LIBELED: 12-16-64, S. Dist. Ohio.

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

DISPOSITION: 1-25-65. Default—delivered to a Government institution for use as animal feed.

30077. Unshelled pecans. (F.D.C. No. 50894. S. No. 88-959 A.)

QUANTITY: 8 100-lb. bags at Mattoon, Ill.

SHIPPED: 10-27-64, from Dothan, Ala.

LIBELED: 12-23-64, E. Dist. Ill.

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

DISPOSITION: 2-9-65. Default—destruction.

30078. Shelled pecans. (F.D.C. No. 50901. S. No. 88-546 A.)

QUANTITY: 315 ctns., each containing approximately 30 lbs., at Memphis, Tenn.

SHIPPED: 11-18-64, from Fort Worth, Tex., by Ellis Pecan Co.

LABEL IN PART: (Ctn.) "Midget Pcs."

LIBELED: 1-5-65, W. Dist. Tenn.

CHARGE: 402(a)(3)—contained excessive coliforms, a high total bacterial count, and *E. coli*; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 2-9-65. Consent—claimed by Ellis Pecan Co., Inc., for reconditioning.

30079. Unshelled pecans. (F.D.C. No. 50897. S. No. 94-803 A.)

QUANTITY: 3,300 lbs. in unlabeled 100-lb. bags and reused 3-lb. cellophane bags, at Orient, Ill., in possession of Charles H. Dooley.

SHIPPED: 11-3-64, from Whigham, Ga.

RESULTS OF INVESTIGATION: The nuts in the 3-lb. bags had been repacked by the dealer from the bulk bags.

LIBELED: 12-23-64, E. Dist. Ill.

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

DISPOSITION: 2-9-65. Default—destruction.

30080. Unshelled pecans. (F.D.C. No. 49567. S. No. 60-139 X.)

QUANTITY: 39 cases, each containing 18 3-lb. pkgs., at Laurens, Iowa.

SHIPPED: 12-2-63, from outside the State of Iowa, by an unknown shipper.

LABEL IN PART: (Pkg.) "Selected paper shell pecans packaged by Davis Pecan Co., Mobile, Ala., Net Weight 3 Lbs."

LIBELED: 12-20-63, N. Dist. Iowa.

CHARGE: 402(a)(3)—contained gummy, shriveled, and moldy nuts when shipped.

DISPOSITION: 1-27-64. Default—destruction.

30081. Grated coconut, egg noodles, and spaghetti. (F.D.C. No. 49140. S. Nos. 18-884/5 V, 19-634 V.)

INDICTMENT RETURNED: 1-13-64, N. Dist. Okla., against Warehouse Market, Inc., Tulsa, Okla., and Clint V. Cox, Jr., president.

ALLEGED VIOLATION: Between 9-29-62 and 2-28-63, while quantities of grated coconut, egg noodles, and spaghetti were being held for sale after shipment in interstate commerce, the defendants caused the articles to be held in a building that was accessible to rodents and caused the articles to be exposed to contamination by rodents, which acts resulted in the articles being adulterated.

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

PLEA: Not guilty.

DISPOSITION: The case came on for trial before court and jury. At the conclusion of the trial, the jury found the corporation guilty but was unable to agree upon a verdict with respect to the individual. The court then dismissed the charges against the individual. On 6-26-64, the court fined the corporation \$7,000 and placed it on probation for 5 years.

30082. Shelled walnuts. (F.D.C. No. 49602. S. No. 71-474 X.)

QUANTITY: 100 30-lb. cases at Buffalo, N.Y.

SHIPPED: 11-22-63, from Portland, Oreg., by Hudson House, Inc.

LABEL IN PART: (Case) "Pride of Oregon Brand Oregon Shelled Walnuts Packed by Hudson House, Inc. Portland Ore."

LIBELED: 1-24-64, W. Dist. N.Y.

CHARGE: 402(a)(3)—contained *E. coli* when shipped.

DISPOSITION: 3-23-64. Consent—claimed by shipper and reconditioned.

30083. Unshelled walnuts (2 seizure actions). (F.D.C. No. 49460; 49577. S. Nos. 23-658 X, 23-661 X; 21-797/9 X.)

QUANTITY: 319 100-lb. bags and 1,065 100-lb. bags at Denver, Colo.

SHIPPED: Between 10-28-63 and 12-10-63, from Visalia, Calif., by Associated Nut Growers.

LABEL IN PART: (Bag) "Golden Nugget Brand California Walnuts Packed By Associated Nut Growers Visalia, California * * * Shells Artificially Bleached."

LIBELED: 11-21-63, 12-27-63, Dist. Colo.

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

DISPOSITION: 1-23-64. Consent—claimed by Phil Nelson, t/a Associated Nut Growers. Reconditioned; 83,395 lbs. of shell and unfit matter segregated.