

CHARGE: Prepared chilies, 402(a)(3)—contained insects, fly eggs, and rodent hairs; and 402(a)(4)—prepared and packed under insanitary conditions.

Green Spanish tomato, 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents (the article was short weight).

DISPOSITION: 3-15-65. Default—destruction.

NUTS AND NUT PRODUCTS

30376. Unshelled pecans and shelled pecans. (F.D.C. No. 50464. S. Nos. 19-234 X, 72-630 X.)

INFORMATION FILED: 11-4-64, W. Dist. Tex., against D. McCrea & Son, Inc., Yancey, Tex., Daniel M. McCrea, president, and Auda V. McCrea, vice president.

ALLEGED VIOLATION: Between 12-5-63 and 12-10-63, while quantities of unshelled pecans were being held for sale after shipment in interstate commerce, the defendants caused unshelled pecans to be placed in a building that was accessible to rodents and to be exposed to contamination by rodents, which act resulted in such pecans being adulterated.

Between 11-20-63 and 11-26-63, shelled pecans were shipped from Yancey, Tex., to Denver, Colo.

LABEL IN PART: (Ctns. of shelled pecans) "30 Lbs. Net Large Pieces Fiesta Brand Fancy Shelled Pecans Packed by D. McCrea & Son, Inc. Yancey, Texas."

CHARGE: 402(a)(3)—the unshelled pecans contained rodent urine and the shelled pecans contained *E. coli*; and 402(a)(4)—the unshelled pecans were held, and the shelled pecans were prepared and packed, under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 11-24-64. Corporation—\$500 fine; each individual—\$250 fine.

30377. Unshelled pecans. (F.D.C. No. 50768. S. No. 93-446 A.)

QUANTITY: 16 bales of 24 bags each, each bag containing approximately 2 lbs., at East Peoria, Ill.

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

LABEL IN PART: (Bag) "Fresh Net Weight or Count Unit Price Total Price."

RESULTS OF INVESTIGATION: The article was shipped in bulk, from Dothan, Ala., to Paul Dooley, West Frankfort, Ill., who repacked the article into the above containers and reshipped it to East Peoria, Ill.

LIBELED: 12-7-64, S. Dist. Ill.

CHARGE: 402(a)(3)—while held for sale, the article contained rancid, moldy nuts, and empty shells; and 403(e)—the article failed to bear a label containing (1) the name and address of the packer or distributor, and (2) a statement of the quantity of the contents.

DISPOSITION: 1-13-65. Default—destruction.

30378. Shelled pecans. (F.D.C. No. 51655. S. No. 120-593 B.)

QUANTITY: 1,384 30-lb. cases, at Jersey City, N.J.

SHIPPED: 6-18-65 and 8-3-65, from San Antonio, Tex., to Woodside, N.Y., and subsequently delivered to Jersey City, N.J.