

one square inch, and its label failed to bear a statement that it fell below such standard.

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

28585. Canned tomatoes. (F.D.C. No. 45205. S. Nos. 74-877 P, 97-164 P, 97-166 P, 97-358 P, 97-362 P.)

INFORMATION FILED: 3-28-61, S. Dist. Ind., against Fettig Canning Corp., Elwood, Ind., and Lawrence M. Fettig, vice president.

SHIPPED: Between 11-12-59 and 12-31-59, to Milwaukee, Wis., and Chicago, Ill., from Elwood, Ind.

LABEL IN PART: (Can) "Sultana Brand Vine Ripened Tomatoes Net Wt. 1 Lb. The Great Atlantic & Pacific Tea Company New York, N.Y. Distributor"; "A&P Brand Vine Ripened Tomatoes Net Wt. 1 Lb. 3 oz. The Great Atlantic & Pacific Tea Company New York, N.Y. Distributor."

CHARGE: 402(a)(3)—contained fly eggs, maggots, and decomposed tomato material when shipped.

PLEA: Guilty.

DISPOSITION: 12-6-62. Corporation—\$1,000 fine, plus costs; individual—\$100 fine.

28586. Tomato bouillon. (F.D.C. No. 47760. S. No. 44-468 T.)

QUANTITY: 3,500 cases, 12 cans each, at Thornton, Calif.

SHIPPED: 5-2-62 and 5-18-62, from Hanover, Pa., by D. E. Winebrenner Co., Inc.

LABEL IN PART: (Can) "Low in Calories, High in Nourishment Dinner Cocktail Tomato Bouillon Appetizer * * * 46 fluid ounces—packed by D. E. Winebrenner Co., Inc., Hanover, Pennsylvania."

LIBELED: 6-18-62, N. Dist. Calif.

CHARGE: 403(a)—when shipped, the label of the article bore false and misleading representations that the article was low in calories in an amount which was high in nourishment; and that it was a complete, high quality protein food in balanced proportions to provide the daily protein need of the body for growth, health, and vitality.

DISPOSITION: 7-11-62. Consent—claimed by Thornton Canning Co., Thornton, Calif., and relabeled.

NUTS*

28587. Shelled pecans. (F.D.C. No. 44090. S. No. 75-731 P.)

QUANTITY: 124 50-lb. ctns., at St. Louis, Mo.

SHIPPED: 1-15-60, from Albany, Ga.

LIBELED: 3-15-60, E. Dist. Mo.

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

DISPOSITION: 3-29-60. Consent—claimed by R. E. Funsten Co., St. Louis, Mo., and reconditioned.

28588. Shelled pecans. (F.D.C. No. 47330. S. Nos. 1-753 P, 15-521 P, 17-815 P, 26-058/9 P, 86-703 P, 63-717 R, 93-040 R, 97-576 R.)

*See also Nos. 28504, 28514.

INFORMATION FILED: 8-10-62, E. Dist. S.C., against Frederick J. D. Felder, t/a Orangeburg Pecan Co., Orangeburg, S.C., and Marion H. Felder, general manager.

SHIPPED: Between 7-25-58 and 7-5-61, from Orangeburg, S.C., to Cincinnati, Ohio, Greensboro, N.C., Duluth, Minn., Pittsburgh and Scranton, Pa., and Louisville, Ky.

LABEL IN PART: (Ctn.) "FANCY MAMMOTH PIECES [or "FANCY MEDIUM PIECES," or "FANCY SMALL PIECES," or "FANCY MEAL," or "FANCY BLEND HALVES," or "FANCY SEEDLING HALVES"] PECANWAY NUT MEATS * * * ORANGEBURG PECAN CO." and "PECANWAY NUT MEATS [or "PECAN NUT MEATS MEDIUM PIECES"] 'THE WORLD'S FINEST NUTS' ORANGEBURG PECAN CO."

CHARGE: 402(a) (3)—contained live insects, insect larvae, insect parts, insect cast skins, insect webbing, insect excreta, rodent hair, and *E. coli*; and 402(a) (4)—prepared and packed under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 11-12-62. Each defendant fined \$250.

28589. Shelled pecans, cornmeal, shelled almonds, and cocoa. (F.D.C. No. 47338. S. Nos. 21-243 T, 21-246 T, 22-947 T, 22-949 T.)

INFORMATION FILED: 8-21-62, Dist. Colo., against Westman Commission Co., a corporation, Denver, Colo., and Robert L. Weil, president.

ALLEGED VIOLATIONS: Between 9-9-61 and 1-4-62, while quantities of pecans, cornmeal, almonds, and cocoa were being held for sale after shipment in interstate commerce, the defendant caused the articles to be held in a building that was accessible to birds, and to be exposed to contamination by birds, which acts resulted in the articles becoming adulterated.

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

PLEA: Nolo contendere.

DISPOSITION: 10-5-62. Corporation—\$800 fine; Weil—\$400 fine.

28590. Shelled pecans (2 seizure actions). (F.D.C. No. 47501, 47506. S. Nos. 32-369 T, 58-056 T.)

QUANTITY: 350 30-lb. cases, at Vernon, Calif., and 100 30-lb. boxes, at Mariemont, Ohio.

SHIPPED: 4-19-62 and 4-24-62, from St. Louis, Mo., by Funsten Nut Co.

LABEL IN PART: (Case) "Funsten's Twirl Pecan Mix R. E. Funsten Co. St. Louis, Mo."; (box) "Funsten's Pecan Pieces Funsten Nut Company, St. Louis."

LIBELED: 5-23-62, S. Dist. Calif.; 5-24-62, S. Dist. Ohio.

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

DISPOSITION: 6-14-62 and 6-13-62. Consent—claimed by Funsten Nut Co., Div. of Pet Milk Co. Reprocessing of the pecan meats seized at Vernon, Calif., proved to be unsatisfactory and those pecan meats were denatured. The pecan meats seized at Mariemont, Ohio, were reprocessed, resulting in the release of 1,614 lbs. as satisfactory.

28591. Unshelled pecans. (F.D.C. No. 47451. S. Nos. 68-549/50 T.)

QUANTITY: 65,826 lbs. at Chicago, Ill.