

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.

SHIPPED: 1-6-62, from Atmore, Ala., by M. Benenson.

LIBELED: 4-12-62, N. Dist. Ill.

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

DISPOSITION: 5-9-62. Consent—claimed by J. Masino & Sons, Chicago, Ill. Segregated; 46,086 lbs. destroyed.

28592. Shelled peanuts, sesame flour, corn puffs, and corn chips. (F.D.C. No. 47082. S. Nos. 2-415 T, 2-417 T, 2-419/20 T, 2-422 T.)

INFORMATION FILED: 5-10-62, N. Dist. Ga., against Filler Products, Inc., Atlanta, Ga.

ALLEGED VIOLATIONS: Between 12-19-60 and 9-21-61, while quantities of peanuts and sesame flour were being held for sale after shipment in interstate commerce, the defendant caused them to be held in a building accessible to houseflies and rodents and caused them to be exposed to contamination by houseflies and rodents, which acts resulted in the articles being adulterated. In addition, on 9-22-61, the defendant caused quantities of corn puffs and corn chips which were adulterated to be shipped to Kentucky and Illinois.

LABEL IN PART: (Pkg.) "Cheez-Trix Oven Baked Corn Puffs Net Wt. 7 Oz." and "Filler's Taste Thrillers Net Wt. $\frac{3}{4}$ Ozs. (or $1\frac{3}{4}$ Ozs.) Tor Tees Corn Chips Mfg. by Filler Products Inc. Atlanta, Ga."

CHARGE: 402(a) (3)—the peanuts and flour contained rodent urine, rodent hairs, and rodent excreta pellets; and 402(a) (4)—held under insanitary conditions. 402(a) (4)—when shipped, the corn puffs and corn chips had been prepared and packed under insanitary conditions.

PLEA: Nolo contendere.

DISPOSITION: 7-25-62. \$200 fine.

28593. Roasted peanuts. (F.D.C. No. 47199. S. No. 54-216 T.)

QUANTITY: 54 cases, each containing 12 14-oz. jars, and 95 cases, each containing 12 9 $\frac{1}{2}$ -oz. jars, at Chicago, Ill.

SHIPPED: 2-14-62, from Detroit, Mich., by Abner Wolf, Inc.

LABEL IN PART: (Jar) "Planters Dry Roasted Peanuts Less Calories No Oils or Sugar Used In Processing Mfg. by Planters Peanuts A Division of Standard Brands Inc., New York, N.Y."

RESULTS OF INVESTIGATION: Examination showed that the article contained approximately 40 percent fat and approximately 30 percent protein.

LIBELED: 3-6-62, N. Dist. Ill.

CHARGE: 403(a)—when shipped, the label statements, "Less Calories" and "No Oils or Sugar Used In Processing" represented and suggested that the caloric content of the article was significantly different from roasted peanuts generally, and that the article was of unusual value for weight reduction, which statements were false and misleading since they were contrary to fact.

DISPOSITION: On 3-23-62, Standard Brands, Inc., filed a claim to the article as owner, and, thereafter, an answer denying that the article was misbranded. Subsequently, the Government served written interrogatories upon the claimant. On 10-10-62, a consent decree of condemnation was entered, the claimant having consented to the entry of a decree without any adjudication as to any issue of fact or law, and the claimant having represented to the court that the