RESULTS OF INVESTIGATION: Examination showed that the article averaged 1.58 percent short weight.

LIBELED: 1–17–63, Dist. Md.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents, since the label statement "Net Contents 1 Lb. 15 Oz." was inaccurate.

DISPOSITION: 3–5–63. Default—delivered to a charitable organization.

**28865. Red pimentos.** (F.D.C. No. 48581. S. No. 42–320 V.)

QUANTITY: 596 cases, each containing 12 1-pt. jars, at Philadelphia, Pa.

SHIPPED: 9–12–62, from Hurlock, Md., by Harper & Bateman Pickle Co., Inc.

LABEL IN PART: (Jar) "Shupak's Sweet Red Pimentoes * * * 10 Oz. Net Drained Weight * * * Sold by Louis Shupak Co. Phila., Pa."

LIBELED: 1–4–63, E. Dist. Pa.

CHARGE: 402(a)(3)—contained insects, insect eggs, insect parts, insect fragments and maggots; 402(a)(4)—prepared and packed under insanitary conditions; and 403(k)—the article contained artificial color and a chemical preservative, namely, sodium benzoate, and its label failed to state such fact.

DISPOSITION: 4–3–63. Consent—claimed by Harper & Bateman Pickle Co., Inc. Reconditioned and relabeled.

**28866. Pickled pepper pieces.** (F.D.C. No. 48582. S. No. 41–026 V.)

QUANTITY: 92 cases, each containing 4 unlabeled 1-gal. jars, at Brooklyn, N.Y.

SHIPPED: 10–25–62, from Hurlock, Md., by Harper & Bateman Pickle Co., Inc.

LABEL IN PART: (Case) "Cut Peppers."

LIBELED: 1–7–63, E. Dist. N.Y.

CHARGE: 402(a)(3)—when shipped, contained maggots, insects, and insect eggs, larvae, parts, and fragments; 402(a)(4)—prepared and packed under insanitary conditions; 403(e)(1)—the article failed to bear a label containing the name and address of the manufacturer, packer, or distributor (case and jar); 403(e)(2)—the article failed to bear a label containing an accurate statement of the quantity of the contents (jar); 403(i)(1)—the label of the article failed to bear the common or usual name of the food (jar); 403(i)(2)—the label of the article failed to bear the common or usual name of each ingredient (case and jar); and 403(k)—the article contained artificial color and a chemical preservative, namely, sodium benzoate, and its labeling failed to state that fact.

DISPOSITION: 2–27–63. Consent—claimed by Harper & Bateman Pickle Co., Inc. Segregated and reconditioned; 4¾ cases destroyed.

**28867. Zucca melon in brine.** (F.D.C. No. 48370. S. No. 53–748 V.)

QUANTITY: 95 400-lb. drums, at Forest Grove, Oreg.

SHIPPED: 10–3–62, from Palermo, Calif., by California Zucca Melon Products Co.

LABEL IN PART: (Tag) "Zucca Melon In SO–2 Calcium Chloride * * * From California Zucca Melon Products * * * Palermo, California."

LIBELED: 11–20–62, Dist. Oreg.

CHARGE: 402(a)(3)—contained *Drosophila* flies, *Drosophila* fly fragments and larvae, and other insect fragments; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 1-3-63. Consent—claimed by M. M. Uchida, t/a California Zucca Melon Products, and reconditioned.

## TOMATOES AND TOMATO PRODUCTS

28868. **Canned tomatoes.** (F.D.C. No. 48452. S. No. 10-166 V.)

QUANTITY: 85 cases, each containing 24 1-lb. cans, at Republic, Pa.

SHIPPED: 9-24-62, from Vienna, Md., by Royal Packing Co., Inc.

LABEL IN PART: (Can) "Royal Highness Brand Tomatoes Packed and/or Distributed By Royal Packing Co., Inc., Vienna, Md."

LIBELED: 11-16-62, W. Dist. Pa.

CHARGE: 402(a)(3)—contained *Drosophila* fly eggs and maggots when shipped.

DISPOSITION: 12-20-62. Default—destruction.

28869. **Canned tomatoes.** (F.D.C. No. 48422. S. No. 40-697 V.)

QUANTITY: 250 cases, each containing 24 1-lb. 12-oz. cans, at Brooklyn, N.Y.

SHIPPED: 10-16-62, from Buena Park, Calif., by Uddo & Taormina Corp. of California.

LABEL IN PART: (Can) "Progresso Italian Style Peeled Tomatoes With Basil * * * Packed By Uddo & Taormina Corp. of California Buena Park, California."

LIBELED: 1-2-63, E. Dist. N.Y.

CHARGE: 403(h)(1)—when shipped, the article fell below the standard of quality for canned tomatoes since it contained tomato peel, per pound of canned tomatoes in the container, which covered an area of more than one square inch; and its label failed to bear, in such manner and form as the regulations specified, a statement that it fell below such standard.

DISPOSITION: 2-18-63. Consent—claimed by Uddo & Taormina Corp., Brooklyn, N.Y., and relabeled.

28870. **Canned tomatoes.** (F.D.C. No. 48625. S. No. 857 V.)

QUANTITY: 615 cases, each containing 6 6-lb. 6-oz. cans, at La Grange, Ga.

SHIPPED: 10-30-62, from Preston, Md., by Albert W. Sisk & Son.

LABEL IN PART: (Can) "Red-Glo Peeled Tomatoes * * * Albert W. Sisk and Son—Distributors—Not Manufacturers—Main Office, Preston, Md., Sales Office, Aberdeen, Md."

LIBELED: 2-1-63, N. Dist. Ga.

CHARGE: 402(a)(3)—contained *Drosophila* fly eggs and maggots when shipped.

DISPOSITION: 4-1-63. Default—destruction.

28871. **Tomato juice.** (F.D.C. No. 48438. S. No. 16-391 V.)

QUANTITY: 364 cases, each containing 24 12-oz. cans, at Lancaster, Ky.

SHIPPED: Between 8-15-62 and 9-26-62, from Trafalgar, Ind., by Kenneth N. Rider Co., Inc.