

**SHIPPED:** Between 3-12-63 and 3-29-63, from Fruita, Colo., by Osborn Bean & Elevator Co.

**LABEL IN PART:** (Bag) "Recleaned Pinto Beans Packed by Osborn Bean & Elevator Co. Fruita, Colorado."

**LIBELED:** 4-26-63, Dist. N. Mex.

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

**DISPOSITION:** 6-13-63. Consent—claimed by Max Osborn, t/a Osborn Bean & Elevator Co. Reconditioned and segregated; 350 lbs. converted into animal feed.

28969. Sauerkraut, dill pickles, and sweet gherkins. (F.D.C. No. 47318. S. Nos. 65-507 P, 23-301 T, 30-111 T, 30-115 T, 51-543 T, 51-545 T.)

**INDICTMENT RETURNED:** 3-7-63, Dist. Utah, against Storey Food Products Co., Inc., Ogden, Utah, and Frank D. Storey, vice president and plant manager.

**SHIPPED:** Between 8-18-59 and 9-1-61, from Ogden, Utah, to Pocatello and Boise, Idaho; Riverside, Calif.; and Denver, Colo.

**LABEL IN PART:** (Cans) "STOREY'S BIG S NET WEIGHT 6 LBS. 12 OZS. CROSS CUT DILL PICKLES STOREY FOOD PRODUCTS CO., OGDEN, UTAH," "DEL HAVEN BRAND SAUERKRAUT NET WEIGHT 6 LB. 3 OZ. PACKED FOR FEDERATED FOODS, INC. SAN FRANCISCO, CALIF. CHICAGO, ILL.," "STOREY'S BIG S CONTENTS 105 OZS. SWEET MIDGET GHERKINS STOREY FOOD PRODUCTS CO., OGDEN, UTAH," and "BIG S NORTHERN LONG SHRED SAUERKRAUT CONTENTS 1 LB. [or "6 LB. 3 OZ."] STOREY FOOD PRODUCTS COMPANY GROWER-PACKERS DISTRIBUTORS OGDEN, UTAH."

**CHARGE:** 402(a) (3)—contained insects, insect fragments, maggots, aphids, thrips, mites, feather barbules, animal hairs, and maggot mouth hooks; and 402(a) (4)—prepared under insanitary conditions.

**PLEA:** Guilty.

**DISPOSITION:** 5-21-63. Corporation—\$3,750 fine, of which \$3,000 was suspended; individual—\$2,500 fine, of which \$2,000 was suspended, and probation for 2 years.

28970. Dehydrated potatoes. (F.D.C. No. 48698. S. Nos. 22-499/500 V.)

**QUANTITY:** 317 50-lb. bags, at Kaysville, Utah.

**SHIPPED:** Prior to 10-30-62, from Breda, Holland.

**LIBELED:** 2-11-63, Dist. Utah.

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

**DISPOSITION:** 8-20-63. Consent—claimed by Nibb-It Corp. of America for export to the original shipper.

28971. Onion flakes. (F.D.C. No. 47969. S. No. 74-428 T.)

**QUANTITY:** 195 18-lb. cases, at New York, N.Y.

**SHIPPED:** 5-24-61, from Israel.

**LIBELED:** 8-20-62, S. Dist. N.Y.

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

DISPOSITION: 10-11-62. Consent—claimed by Catz American Co., Inc., and destroyed after an unsuccessful attempt at reconditioning.

### TOMATOES AND TOMATO PRODUCTS

28972. Canned tomatoes. (F.D.C. No. 48480. S. No. 36-831 V.)

QUANTITY: 698 cases, each containing 24 1-lb. cans, at Selma, Ala.

SHIPPED: 7-2-62, from Okeechobee, Fla., by Markham Bros. & Co.

LABEL IN PART: (Can) "Oak Hill Tomatoes \* \* \* Packed \* \* \* by Markham Bros. and Company. Main Office Okeechobee, Florida."

LIBELED: 12-11-62, S. Dist. Ala.

CHARGE: 403(h) (1)—when shipped, the article fell below the standard of quality for canned tomatoes, since the drained weight of the contents of the container was less than 50 percent of the weight of the water required to fill the container, and its label failed to bear a statement that it fell below such standard.

DISPOSITION: 5-1-63. Consent—claimed by Markham Bros. & Co., and released under bond for relabeling.

28973. Canned tomatoes. (F.D.C. No. 48829. S. No. 59-036 V.)

QUANTITY: 57 cases, each containing 24 1-lb. 12-oz. cans, at Philadelphia, Pa.

SHIPPED: On unknown date, by an unknown shipper.

LABEL IN PART: (Can) "JD Garden Gem Tomatoes \* \* \* Distributed By J. T. Harrison & Associates Easton, Maryland."

RESULTS OF INVESTIGATION: The articles were identified as having been packed by the Defender Packing Co., Trappe, Md.

LIBELED: 3-28-63, E. Dist. Pa.

CHARGE: 403(a) (3)—contained *Drosophila* fly eggs and maggots when shipped.

DISPOSITION: 7-10-63. Default—destruction.

28974. Canned tomato paste. (F.D.C. No. 48974. S. Nos. 67-841/2 V.)

QUANTITY: 118 cases, each containing 48 6-oz. cans, and 9 cases, each containing 96 6-oz. cans, at Greenville, S.C.

SHIPPED: 4-1-61, from Fullerton, Calif.

LIBELED: On or about 6-3-63, W. Dist. S.C.

CHARGE: 402(a) (3)—contained a decomposed substance while held for sale.

DISPOSITION: 7-2-63. Consent—destruction.

28975. Tomato puree. (F.D.C. No. 48441. S. No. 2-381 V.)

QUANTITY: 175 cases, each containing 6 6-lb. 9-oz. cans, at Atlanta, Ga.

SHIPPED: 9-11-62, from Escalon, Calif.

RESULTS OF INVESTIGATION: Examination showed that the article was undergoing chemical decomposition.

LIBELED: 12-27-62, N. Dist. Ga.

CHARGE: 402(a) (3)—contained a decomposed substance while held for sale.

DISPOSITION: 2-5-63. Default—destruction.

28976. Pizza sauce (tomato product). (F.D.C. No. 48972. S. No. 83-124 V.)

QUANTITY: 47 cases, each containing 6 6-lb. 8-oz. cans, at Port Chester, N.Y.