28363. Potatoes. (F.D.C. No. 47703. S. No. 82-385 T.)

QUANTITY: 550 50-lb. bags, each containing 5 10-lb. bags, at Seattle, Wash.

SHIPPED: 8-22-62, from Ontario, Oreg., by J. R. Simplot Co.

LABEL IN PART: (Bag) "Simplot's Blue Ribbon No. 1 Potatoes * * * J. R. Simplot Co. Caldwell, Idaho."

LIBELED: 9-13-62, W. Dist. Wash.

CHARGE: 402(a)(2)(B)—the article was a raw agricultural commodity and, when shipped, contained pesticide chemicals, namely, dieldrin and aldrin, which were unsafe within the meaning of 408(a) since the quantity of such pesticide chemicals on the article were not within the limitations of the tolerance prescribed by regulations.

DISPOSITION: 9-21-62. Default—destruction.

28364. Canned peas. (F.D.C. No. 47581. S. No. 17-740 T.)

QUANTITY: 392 cases, each containing 24 cans, at Bowling Green, Ky.

SHIPPED: 2-3-62, from Jacksonville, Tex., by HLH Parade Co.

LABEL IN PART: (Can) "Saxet Early June Peas Net Weight 15¼ Oz. Avd. * * * Made by HLH Parade Co. General Offices Dallas 1, Texas * * * Prepared from Cooked Dried Peas."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight and that it failed to meet the standard of fill of container for canned peas.

LIBELED: 5-8-62, W. Dist. Ky.

CHARGE: 403(e)(2)—the article failed to bear a label containing an accurate statement of the quantity of contents; 403(g)(2) the article purported to be and was represented as canned peas, a food for which a definition and standard of identity had been prescribed by regulations, and its label failed to bear the name of the optional pea ingredients present in such food since the standard provided that the label for canned peas should name the optional pea ingredients present in such food by the use of the words "dried early June peas" whereas, the label of the article bore the name "early June peas"; 403(h)(2)—the article purported to be and was represented as canned peas, a food for which a standard of fill of container had been prescribed by regulations and the article fell below such standard since the regulations required that a container with a lid attached by a double seam should be considered to be completely filled when it was filled to the level of 3/16 inch vertical distance below the top of the double seam, whereas, the article was in containers with lid attached by double seam and it was not filled to the level of 3/16 inch vertical distance below the top of the double seam, namely, the article was filled only to the level of 7/16 inch vertical distance below the top of the double seam, and its label failed to bear the statement "Below Standard in Fill."

DISPOSITION: 9-6-62. Default—delivered to a charitable institution for use as food.

28365. Canned corn. (F.D.C. No. 47541. S. No. 5-687 T.)

QUANTITY: 58 cases, 24 1-lb. cans each, at Roanoke, Va.

SHIPPED: 18-26-61, from Monrovia, Md.

LABEL IN PART: (Can) "Just Off the Cob Brand Whole Kernel Golden Sweet Corn—Net Contents 1 pound—Wm. E. Silver Sales Co. Distributors, Colora, Md."

LIBELED: 6–11–62, W. Dist. Va.

CHARGE: 402(a)(3)—while held for sale, the article contained insects and insect parts.

DISPOSITION: 8–10–62. Default—delivered to a public institution for use as animal feed.

28366. Pickles. (F.D.C. No. 47245. S. No. 61–370 T.)

QUANTITY: 148 cases, 12 jars each, at Milan, Ill.

SHIPPED: 1–26–62 and 2–13–62, from Bridgeport, Mich., by Crown Foods, Inc.

LABEL IN PART: (Jar) "Crown Fresh Pack Sweet Crunchy Butter Chips Contains * * * 1 Pt. 10 Fl. Oz. Crown Foods, Inc., Bridgeport, Michigan."

RESULTS OF INVESTIGATION: Examination showed that the article was short in volume.

LIBELED: 3–19–62, S. Dist. Ill.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 6–20–62. Default—delivered to charitable institutions.

28367. Pickles. (F.D.C. No. 46400. S. Nos. 24–201/2 R, 24–936 R.)

INFORMATION FILED: 5–21–62, Dist. Colo., against Western Food Products Co., Inc., Hutchinson, Kans., Western Canning Co., a partnership, LaJunta, Colo., Newton H. Benscheidt, president of the corporation and partner and George Benscheidt, vice president of the corporation and partner.

SHIPPED: Between 9–28–60 and 11–8–60, from Colorado to Kansas.

LABEL IN PART: (Case) "12 12-oz. JARS PICKLES," "⅓ DOZ. GALS.," and "4 1 GAL."

CHARGE: 402(a)(3)—when shipped, the sweet crosscut dill pickles contained insects, insect fragments, rodent hair fragments and other animal hair fragments, the sweet pickles contained rodent hair fragments and insect fragments, and sweet crosscut pickles contained maggots and insect fragments; and 402(a)(4)—all articles had been prepared under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 7–20–62. Corporation and partnership—each fined $600; Newton Benscheidt—fined $750 and placed on probation for 2 years; George Benscheidt—placed on probation for 2 years.

28368. Sweet pickle relish. (F.R.C. No. 47568. S. No. 64–106 T.)

QUANTITY: 206 cases, 4 1-gal. jars each, at Atlanta, Ga.

SHIPPED: 1–25–62, from Faison, N.C., by Charles F. Cates & Son, Inc.

LABEL IN PART: (Jar) "Cates Premium Sweet Relish Net Cont. 1 Gallon Fl. Contains: * * * Packed by Chas. F. Cates & Son, Inc. Faison, N.C."

LIBELED: 4–30–62, N. Dist. Ga.

CHARGE: 402(a)(3)—contained wood splinters when shipped.

DISPOSITION: 6–15–62. Default—destruction.