

**28386. Shelled pecans.** (F.D.C. No. 47298. S. No. 19-374 T.)

QUANTITY: 1,350 30-lb. cases at El Paso, Tex.

SHIPPED: 1-25-62, from Las Cruces, N. Mex., by Stahmann Farms, Inc.

LABEL IN PART: (Case) "Large Pieces Fancy Del Cerro Shelled Pecans Stahmann Farms, Inc., Las Cruces, New Mexico."

LIBELED: 4-12-62, W. Dist. Tex.

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

DISPOSITION: 5-1-62. Consent—claimed by the shipper and reprocessed to be brought into compliance with the law.

**28387. Shelled pecans.** (F.D.C. No. 47487. S. No. 25-719 T.)

QUANTITY: 40 cases, 30 lbs. each, at New Paris, Ind.

SHIPPED: 1-22-62, from Searcy, Ark., by Thompson Co., Inc.

LIBELED: 5-11-62, N. Dist. Ind.

CHARGE: 402(a)(3)—when shipped, contained rodent hairs and *E. coli*, an organism which indicates pollution of fecal origin and consequently contamination with filth.

DISPOSITION: 7-18-62. Default—delivered to a public institution for animal feed.

**28388. Shelled pecans and shelled walnuts.** (F.D.C. No. 47454. S. Nos. 31-662/3 T.)

QUANTITY: 108 4-oz. bags of pecans, and 72 4-oz. bags of walnuts, at Phoenix, Ariz.

SHIPPED: 3-29-62 and 4-12-62, from Anaheim, Calif., by Laura Scudder's, Inc.

LABEL IN PART: (Bag) "Laura Scudder's Diced Pecans [or "Diced Walnuts"] Packed by Laura Scudder's, Los Angeles, Oakland, Fresno, Salt Lake City, Phoenix."

RESULTS OF INVESTIGATION: The manufacturer's name and address and the statement of quantity of contents on the label were inconspicuous due to lack of contrast with the background, since the products were contained in clear cellophane bags on which these statements were printed in ink of a color similar to the product.

LIBELED: 4-23-62, Dist. Ariz.

CHARGE: 403(f)—when shipped, the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of contents were not prominently placed on the label with such conspicuousness (as compared with other words and statements on the label) as to render such information likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: 6-14-62. Default—delivered to a charitable institution.

**28389. Shelled pecans.** (F.D.C. No. 46682. S. No. 59-470 R.)

INFORMATION FILED: 1-30-62, N. Dist. Ill., against John B. Sanfilippo & Son, Inc., Chicago, Ill., and Jasper B. Sanfilippo, treasurer.

ALLEGED VIOLATION: Between 3-18-61 and 3-30-61, while shelled pecans were being held for sale after shipment in interstate commerce, the defendants caused the articles to be prepared and packed under insanitary conditions which acts resulted in the articles being adulterated.

CHARGE: 402(a)(3)—contained *E. coli*; and 402(a)(4)—prepared and packed under insanitary conditions.

PLEA: Not guilty by individual; nolo contendere by corporation.

DISPOSITION: 10-11-62. After trial before the court without a jury, the individual was found not guilty; the corporation was fined \$750.

28390. Shelled walnuts. (F.D.C. No. 46962. S. No. 12-158 T.)

QUANTITY: 69 35-lb. cases at Chicago, Ill.

SHIPPED: 11-22-61, from Dundee, Oreg., by Compton Nut Co.

LABEL IN PART: (Case) "Quality Oregon Walnut-Filbert Meats \* \* \* Compton Nut Co. P.O. Box 1 Dundee Oregon."

LIBELED: 2-5-62, N. Dist. Ill.

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

DISPOSITION: 3-21-62. Consent—claimed by Compton Nut Co., and released under bond to be brought into compliance with the law.

### VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE\*

28391. Rexall Super Plenamins. (F.D.C. No. 44863. S. Nos. 43-373/5 R.)

QUANTITY: 137 cases, 12 8-oz. ctn'd. btls. each of Super Plenamins Junior Liquid Vitamins; 27 cases, 144 36-tablet btls. each, 108 cases, 36 72-tablet btls. each, 19 cases, 24 288-tablet btls. each and 169 cases, 36 144-tablet btls. each, of Super Plenamins Multi Vitamins with Minerals; and 6 cases, 144 36-tablet btls. each, 7 cases, 144 72-tablet btls. each and 9 cases, 72 144-tablet btls. each, of Super Plenamins Junior, at Portland, Oreg.

SHIPPED: Between 10-13-59 and 8-24-60, from St. Louis, Mo., by Rexall Drug Laboratory.

LABEL IN PART: (Btl.) "For Children 1 to 12 years \* \* \* Rexall Super Plenamins Junior Liquid Vitamins 10 Vitamins with Red Vitamin B<sub>12</sub> plus L-lysine \* \* \* Rexall Drug Company"; (ctn.) "Rexall Super Plenamins Junior \* \* \* Provide generous amounts of all the vitamins children are known to need for healthy growth (contains L-lysine, a growth-aid cereal diets lack.) \* \* \* Rexall Drug Company"; (btl. and ctn.) "Rexall Super Plenamins Multi Vitamins with Minerals 12 Vitamins and 12 Minerals with B<sub>12</sub>, Iron plus Liver Concentrate \* \* \* Rexall Drug Company" and "Rexall Super Plenamins Junior 11 Vitamins with B<sub>12</sub> plus Iron and Liver Rexall Drug Company."

ACCOMPANYING LABELING: Leaflets entitled "Who Wouldn't Pay A Nickel A Day?," "Free 18 Day Supply Super Plenamins," and "Know Who Makes the Vitamins you BUY?" used in promoting sales of "Super Plenamins Multi Vitamins with Minerals."

LIBELED: 8-25-60, Dist. Oreg.; amended libel 1-26-61.

CHARGE: (Super Plenamins Junior Liquid and Super Plenamins Junior Tablets) 403(j)—when shipped and while held for sale, the articles purported to be and were represented as foods for special dietary uses by reason of their vitamin and mineral content and their labels failed to bear, as required by regulations, the statement "The need for panthenol in human nutrition has not been

\*See also Nos. 28302, 28344.