

LIBELED: 1-11-61, Dist. Kans.

CHARGE: 402(a)(3)—contained insect-infested, moldy, shriveled nuts and empty shells while held for sale.

DISPOSITION: 3-23-61. Default—delivered to a charitable institution, to be brought into compliance with the law, by segregation and destruction of the unfit nuts.

28466. Unshelled walnuts and unshelled almonds. (F.D.C. No. 46904. S. Nos. 27-174/5 T, 28-982/4 T.)

QUANTITY: 282 50-lb. bags of walnuts, and 50 50-lb. bags of almonds, at Wichita, Kans., in possession of Safeway Stores, Inc.

SHIPPED: Between 11-5-61 and 11-12-61, from Stockton and Los Angeles, Calif.

LIBELED: 2-9-62, Dist. Kans.

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

DISPOSITION: 5-18-62. Consent—claimed by Safeway Stores, Inc. The walnuts were reconditioned; the almonds were destroyed.

28467. Shelled walnuts. (F.D.C. No. 47385. S. No. 51-585 T.)

QUANTITY: 102 35-lb. cases at Seattle, Wash.

SHIPPED: 11-16-61, from Dundee, Oreg., by Compton Nut Co.

LABEL IN PART: "Quality Oregon Walnut-Filbert Meats Compton Nut Company, P.O. Box 1, Dundee, Oregon."

LIBELED: 3-20-62, W. Dist. Wash.

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

DISPOSITION: 5-29-62. Consent—claimed by Compton Nut Co., Dundee, Oreg. Segregated; 1/2 case destroyed.

28468. Shelled black walnuts. (F.D.C. No. 47260. S. No. 33-847 T.)

QUANTITY: 350 40-lb. ctns. at St. Paul, Minn.

SHIPPED: 2-1-62, from San Francisco, Calif., by Donig Co., Inc.

LABEL IN PART: "Donig Co. Inc. San Francisco, Calif. * * * Black Walnut Meats Graded Large."

LIBELED: 4-3-62, Dist. Minn.

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

DISPOSITION: 5-9-62. Consent—claimed by shipper and reconditioned.

28469. Shelled mixed nuts. (F.D.C. No. 47404. S. No. 56-611 T.)

QUANTITY: 51 cases, 24 cans each, at Dallas, Tex.

SHIPPED: 2-5-62 and 2-15-62, from Memphis, Tenn., by Planters Peanuts.

LABEL IN PART: (Can) "Mr. Peanut * * * Fresh Roasted Planters Salted Mixed Nuts * * * Net Wt. 7 Oz. * * * Mfg. by Planters Nut & Chocolate Co., Suffolk, Va.—Wilkes Barre, Pa.—San Francisco, Cal."

RESULTS OF INVESTIGATION: Examination showed the article to be short weight.

LIBELED: On or about 3-26-62, N. Dist. Tex.

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

DISPOSITION: 5-11-62. Default—delivered to a public institution.

28470. Unshelled mixed nuts. (F.D.C. No. 46864. S. No. 45-626 T.)

QUANTITY: 14 15-lb. bags at East Peoria, Ill.

SHIPPED: 10-30-61, from Chico, Calif.

LIBELED: 12-27-61, S. Dist. Ill.

CHARGE: 402(a)(3)—while held for sale, contained insects, decomposed nuts, and empty shells.

DISPOSITION: 2-9-62. Consent—claimed by Continental Nut Co., Chico, Calif. Segregated; 27 lbs. destroyed.

28471. Unshelled mixed nuts. (F.D.C. No. 46547. S. No. 25-534 T.)

QUANTITY: 158 cases, each containing 24 1-lb. bags, at Lafayette, Ind.

SHIPPED: 10-26-61, from Modesto, Calif.

RESULTS OF INVESTIGATION: The article was composed of unshelled walnuts, almonds, brazils, filberts and pecans.

LIBELED: 11-27-61, N. Dist. Ind.

CHARGE: 402(a)(3)—contained dead insects, insect webbing and excreta, and insect-damaged almonds while held for sale.

DISPOSITION: 1-12-62. Consent—claimed by S & W Fine Foods, Inc., Modesto, Calif. The almonds were segregated and shelled; 2 lbs. of damaged almond nut-meats were destroyed.

28472. Shelled pecans. (F.D.C. No. 47503. S. No. 58-057 T.)

QUANTITY: 89 30-lb. cases at Dayton, Ohio.

SHIPPED: 4-19-62, from St. Louis, Mo., by Funsten Nut Co.

LABEL IN PART: (Case) "30 lbs. net wt. Funsten Small Select Pecan Halves, Funsten Nut Company, St. Louis, Mo."

LIBELED: 5-22-62, S. Dist. Ohio.

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

DISPOSITION: 6-20-62. Consent—claimed by Funsten Nut Co., and reconditioned to be brought into compliance with the law.

28473. Shelled pecans. (F.D.C. No. 47532. S. No. 61-193 T.)

QUANTITY: 25 240-lb. bbls. at Orrville, Ohio.

SHIPPED: 4-20-62, from St. Louis, Mo.

RESULTS OF INVESTIGATION: The article had been shipped in 30-lb. cartons to the dealer who had repacked the pecan meats into barrels. Examination showed that the article contained *E. coli*, an organism which indicated pollution of fecal origin.

LIBELED: 6-12-62, N. Dist. Ohio.

CHARGE: 402(a)(3)—while held for sale, the article consisted in part of a filthy substance because of the presence of *E. coli*.

DISPOSITION: 7-23-62. Consent—claimed by Funsten Nut Co., Div. of Pet Milk Co., St. Louis, Mo., and reconditioned to be brought into compliance with the law.