

"Dried June" or "Dried Early June" and its label bore the name "Early June Peas"; and 403(h) (1)—the article fell below the standard of quality for canned peas since the article contained more than 25 percent by count of peas ruptured to a width of more than $\frac{1}{16}$ "', and the article was a smooth skin variety of peas and the alcohol-insoluble solids of peas in the container were more than 23.5 percent, and its label failed to bear, as required by regulations, a statement that it fell below such standard.

DISPOSITION: 3-29-62. Default—destruction.

27813. Sauerkraut. (F.D.C. No. 46324. S. Nos. 94-784/5 R.)

QUANTITY: 908 cases, 24 cans each, at Detroit, Mich.

SHIPPED: 5-8-61 and 6-23-61, from Phelps, N.Y., by Empire State Pickling Co.

LABEL IN PART: (Can) "Silver Floss Sauerkraut Net Contents 1 Lb. Packed by Empire State Pickling Co., Phelps, N.Y."

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

LIBELED: 8-28-61, E. Dist. Mich.

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

DISPOSITION: 1-12-62. Default—delivered to a public institution.

27814. Sauerkraut. (F.D.C. No. 46922. S. No. 13-777 T.)

QUANTITY: 164 cases, 12 jars each, at Chicago, Ill.

SHIPPED: 11-6-61, from Redgranite, Wis., by Chicago Pickle Co., Inc.

LABEL IN PART: (Jar) "Chipico * * * Fresh Bulk Style Sauerkraut * * * Packed by Chicago Pickle Co., Inc., Chicago, Illinois. Contents: Cabbage. Salt. Water $\frac{1}{10}$ of 1% Benzoate of Soda 1 Fl. Qt."

RESULTS OF INVESTIGATION: Examination showed that the firm name and address, and ingredient and net content statements were printed at right angles to the principal display panel and in very small type on a two-color label making it difficult to read, and examination showed that the article contained sodium bisulfite, an undeclared chemical preservative.

LIBELED: 1-16-62, N. Dist. Ill.

CHARGE: 403(f)—when shipped, the information required by 403 (e) (1), (e) (2), and (i) (2), to appear on the label, namely, the name and place of business of the manufacturer, packer, or distributor, the quantity of contents statement, and the common or usual name of each ingredient, was not prominently placed thereon 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; 403(i) (2)—the article was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient, since sodium bisulfite was not declared; and 403(k)—the article contained sodium bisulfite, a chemical preservative, and it failed to bear labeling stating that fact.

DISPOSITION: 2-8-62. Default—delivered to charitable institutions.

27815. Dried black-eyed beans. (F.D.C. No. 47014. S. No. 22-977 T.)

QUANTITY: 30 100-lb. bags at Twin Falls, Idaho.

SHIPPED: Prior to 10-14-61, from Crows Landing, Calif.

LIBELED: 2-6-62, Dist. Idaho,

CHARGE: 402(a)(3)—contained rodent urine while held for sale.

DISPOSITION: 4-5-62. Default—delivered to a public institution for use as animal feed.

27816. Romaine lettuce. (F.D.C. No. 47019. S. No. 51-151 T.)

QUANTITY: 78 cases, each containing 20 heads, at Portland, Oreg.

SHIPPED: 1-29-62, from Holtville, Calif., by Abatti Produce Co.

LABEL IN PART: "Romaine."

LIBELED: 2-7-62, Dist. Oreg.

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

DISPOSITION: 3-12-62. Default—destruction.

27817. Sweet peppers. (F.D.C. No. 46752. S. No. 41-346 T.)

QUANTITY: 182 cases, 4 gal. jars each, at Bronx, N.Y.

SHIPPED: 9-15-61 and 9-26-61, from Buena, N.J., by Alliance Pickle Products, Inc.

LABEL IN PART: (Jar) "Colony Brand Sweet Peppers * * * Packed By Alliance Pickle Products, Inc. Buena, N.J."

LIBELED: 12-5-61, S. Dist. N.Y.

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

DISPOSITION: 1-15-62. Default—destruction.

27818. Sweet peppers. (F.D.C. No. 46783. S. Nos. 41-343 T, 41-347/8 T.)

QUANTITY: 325 cases, 4 1-gal. jars each, of red sweet peppers, and 90 cases, 12 1-qt. jars each, of cherry peppers, at Bronx, N.Y.

SHIPPED: During September 1961 and 10-8-61, from Buena, N.J., by Alliance Pickle Products, Inc.

LABEL IN PART: (Jar) "Colony Brand Sweet Peppers [or "Cherry Peppers"] * * * Packed By Alliance Pickle Products, Inc. Buena, N.J."

LIBELED: 12-12-61, S. Dist. N.Y.

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

DISPOSITION: 1-16-62. Default—destruction.

27819. Olives. (F.D.C. No. 47038. S. No. 35-163 T.)

QUANTITY: 113 cases, 12 jars each, at Minneapolis, Minn.

SHIPPED: 12-8-61 and 1-12-62, from Chicago, Ill., by Specialty Food Packing & Importing Co.

LABEL IN PART: (Jar) "Spanish Pride No. 16 Dr. Wt. 9½ Oz. Avd. Spanish Salad Olives with Sweet Peppers * * * Packed by Specialty Food Packing & Importing Co., Chicago, Ill."