CHARGE: 402(a)(3)—contained fly eggs and maggots when shipped; and 403(h)(1)—the quality of the article fell below the standard of quality for canned tomatoes since the article contained tomato peel per pound of canned tomatoes in the container which covered an area of more than one square inch, and its label failed to bear, as specified by regulations, a statement that it fell below such standard.

DISPOSITION: 6–29–61. Default—destruction.

27383. Tomato paste. (F.D.C. No. 45619. S. No. 16–852 R.)

QUANTITY: 100 cases, 6 10-lb. cans each, at Cincinnati, Ohio.

SHIPPED: 11–18–60, from San Francisco, Calif.

LIBELED: 4–7–61, S. Dist. Ohio.

CHARGE: 402(a)(3)—contained swelled cans while held for sale.

DISPOSITION: 5–2–61. Consent—claimed by Tri-Valley Packing Association, San Francisco, Calif. Segregated; 75 cans destroyed.

NUTS

27384. Unshelled almonds. (F.D.C. No. 45278. S. No. 45–253 R.)

QUANTITY: 31 cases, 24 1-lb. bags each, at Seattle, Wash.

SHIPPED: 10–19–60, from Chico, Calif.

LIBELED: 12–7–60, W. Dist. Wash.

CHARGE: 402(a)(3)—contained insect-damaged nuts while held for sale.

DISPOSITION: 12–28–60. Consent—claimed by Continental Nut Co., Chico, Calif. Segregated; 44 lbs. destroyed.

27385. Unshelled almonds and unshelled mixed nuts (5 seizure actions). (F.D.C. Nos. 45176, 45368, 45374, 45375, 45383. S. Nos. 36–864 R, 41–500 R, 45–227 R, 64–467/8 R, 64–472 R.)

QUANTITY: 426 50-lb. bags, 326 75-lb. bags, 215 cases, 24 1-lb. bags each, and 187 various size sacks, at Modesto, Calif.

SHIPPED: Between 9–27–60 and 12–6–60, from Modesto, Calif., to Philadelphia, Pa., and Seattle, Wash., and subsequently returned to Modesto, Calif.

LABEL IN PART: "S and W Neplus Almonds Packed by S & W Fine Foods, Inc., San Francisco, Calif."; "Palmdale Fancy Mixed nuts Packed by S & W Fine Foods Inc. San Francisco, Calif."; "Packed by S & W Fine Foods, Inc., San Francisco, California * * * S & W California Almonds"; and "S & W Softshell Almonds Packed by S & W Fine Foods, Inc., San Francisco, California."

LIBELED: 12–13–60; 12–23–60; 12–27–60; 1–3–61; 1–11–61, N. Dist. Calif.

CHARGE: 402(a)(3)—contained insects, insect-infested, moldy, shriveled, gummy nuts, and empty shells when shipped.

DISPOSITION: 1–30–61. Consent—claimed by S & W Fine Foods, Inc. Segregated; 3,801 lbs. destroyed.

27386. Unshelled mixed nuts. (F.D.C. No. 44014. S. No. 97–661 P.)

QUANTITY: 235 cases, 24 1-lb. boxes each, at Kansas City, Kans.

SHIPPED: 12–2–59, from Chico, Calif.