

tions of this chapter whenever he believes that the public interest will be adequately served by a suitable written notice or warning.' 21 U.S.C.A., § 336.

"The portion of the publication in question, apparently referring to a possible ten percent tolerance in the case of nuts in the shell might possibly be taken as an expression of intention by the Secretary to exercise his discretion pursuant to the statute just quoted. In the instant case, however, the publication in question does not affect the decision.

"The Government within twenty days hereof shall present to the Court an order in accordance herewith."

On 3-9-61, the court entered a decree of condemnation; ordered the recovery from the claimant of court costs, expenses and storage charges; and ordered the destruction of the article.

**27340. Shelled peanuts.** (F.D.C. No. 45188. S. No. 31-845 R.)

QUANTITY: 296 125-lb. bags at Houston, Tex.

SHIPPED: 11-17-60, from Houston, Tex., to Dothan, Ala., and returned to Houston, Tex., on 12-8-60.

LIBELED: 12-15-60, S. Dist. Tex.

CHARGE: 402(a)(3)—contained insects and insect fragments while held for sale.

DISPOSITION: 5-29-61. Consent—claimed by Hou-Tex Peanut Co., Houston, Tex., and converted into animal feed.

**27341. Shelled Spanish peanuts.** (F.D.C. No. 45056. S. No. 37-067 R.)

QUANTITY: 35 124-lb. bags at Philadelphia, Pa.

SHIPPED: 8-30-60, from Moultrie, Ga.

LIBELED: 10-21-60, E. Dist. Pa.

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

DISPOSITION: 5-9-61. Consent—claimed by Heidelberger Confectionery Co., Philadelphia, Pa., and denatured for seed purposes.

**27342. Shelled pecans.** (F.D.C. No. 45595. S. Nos. 54-785/6 R.)

QUANTITY: 113 30-lb. cases at St. Louis, Mo.

SHIPPED: 1-23-61, from Searcy, Ark., by Thompson Co.

LABEL IN PART: (Case) "Thompson's \* \* \* Pecans Large [or "Medium Cut" or "Bakers Mixed"] Pieces \* \* \* Packed by the Thompson Co. Searcy, Ark."

LIBELED: 3-22-61, E. Dist. Mo.

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

DISPOSITION: 4-27-61. Consent—claimed by Thompson Co., and reconditioned by placing in a chlorine solution, washing, and drying.

**27343. Unshelled filberts (3 seizure actions).** (F.D.C. Nos. 45155, 45156, 45157. S. Nos. 12-937 R, 13-013/4 R.)

QUANTITY: 76 cases, 24 1-lb. bags each, at Sheboygan, Wis.; and 403 cases, 24 1-lb. bags each, at Milwaukee, Wis.

SHIPPED: 10-29-60, from Portland, Oreg., by Hudson House, Inc.

LABEL IN PART: (Bag) "Pride of Oregon Brand Large Filberts \* \* \* Packed by Hudson House, Inc., Portland, Ore."

LIBELED: 11-22-60, E. Dist. Wis.