

28369. Pickled red plums. (F.D.C. No. 47495. S. No. 75-004 T.)

QUANTITY: 64 cases, 12 1-pint jars each, at San Francisco, Calif.

SHIPPED: 10-28-61, from Tokyo, Japan, by Pacific Trading Co., Ltd.

LABEL IN PART: (Green and brown colored labels) "Wei-Pac Akaume Zuke Cont. 1 Pint Product of Japan Ingredients: Plums * * * Distributed by Japan Food Corporation San Francisco-Los Angeles-Chicago-New York." The green labels also bore the additional statement "Certified Artificial Coloring."

RESULTS OF INVESTIGATION: Examination showed that the article contained noncertified colors not listed for coloring foods. The article was shipped in bulk and repacked and labeled as above by the dealer.

LIBELED: 5-18-62, N. Dist. Calif.

CHARGE: 402(c)—when shipped and while held for sale, the article contained a color additive, namely, noncertified coal-tar colors, which were unsafe within the meaning of 706(a), since their use or intended use were not in conformity with a regulation or exemption in effect pursuant to 706; and 403(k)—while held for sale, the article labeled with a brown label contained artificial coloring and its labeling failed to state that fact.

DISPOSITION: 6-26-62. Consent—claimed by Japan Food Corp., and released under bond for repacking and return shipment to the original foreign suppliers.

28370. Pickled cauliflower. (F.D.C. No. 47743. S. No. 62-264 T.)

QUANTITY: 20 bushels at Swansea, Mass., in possession of Star Pickling Corp.

SHIPPED: In April 1962, from Providence, R.I.

RESULTS OF INVESTIGATION: The article was shipped as fresh cauliflower by the dealer from the wholesale produce market and pickled thereafter. It was stored in an unlabeled wood storage tank.

LIBELED: 7-23-62, Dist. Mass.

CHARGE: 402(a)(3)—contained *Drosophila* flies, fly eggs, maggots, other insects and insect parts; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 9-10-62. Default—destruction.

TOMATOES

28371. Canned tomatoes. (F.D.C. No. 47436. S. Nos. 40-949 T, 40-991 T.)

QUANTITY: 385 cases, 6 1-lb. 12-oz. cans each, at Brooklyn, N.Y.

SHIPPED: 12-21-61 and 2-7-62, from Buena Park, Calif., by Uddo & Taormina Corp.

LABEL IN PART: (Can) "Progresso Italian Style Peeled Tomatoes * * * Solid Pack * * * Packed by Uddo & Taormina Corp. of California, Buena Park, California."

LIBELED: 4-12-62, E. Dist. N.Y.

CHARGE: 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 1 square inch and its label failed to bear a statement that it fell below such standard.

DISPOSITION: 6-21-62. Consent—claimed by Uddo & Taormina Corp., and released under bond for relabeling.