

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.