

CHARGE: 402(a)(3)—contained insects and insect excreta while held for sale.
DISPOSITION: 1-31-63. Default—destruction.

28783. Unshelled walnuts. (F.D.C. No. 48491. S. No. 45-444 V.)

QUANTITY: 9 50-lb. bags at Springfield, Mo., in possession of Fadler Produce Co.

SHIPPED: 10-15-62, from outside the State of Missouri.

LIBELED: On or about 12-21-62, W. Dist. Mo.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 2-5-63. Default—delivered to a public institution for use as animal feed.

28784. Peanut butter, shelled peanuts, flour, raisins, egg noodles, candy bars, and rolled oats (4 criminal cases). (F.D.C. Nos. 46672, 47317, 47360, 47362. S. Nos. 50-138 R, 67-244 R; 18-375/7 T, 18-483 T, 47-986/8 T; 18-715/6 T, 20-163 T; 18-308/9 T, 19-546/7 T, 19-550 T.)

INFORMATIONS FILED: Fort Worth Division, Information No. 10302. 2-27-62, N. Dist. Tex., against Kimbell Milling Co., t/a Kimbell Food Products Co., a corporation, Fort Worth, Tex., Kay Kimbell, president, C. Binkley Smith, vice president, and Cecil T. Mathews, plant superintendent.

Sherman Division, Information No. 1302. On or about 8-10-62, E. Dist. Tex., against Kimbell Milling Co., a corporation, t/a Kimbell-Diamond Milling Co., Denton, Tex., Kay Kimbell, president, C. Binkley Smith, vice president, and Dewey C. Morrow, mill superintendent.

Pecos Division, Information No. 10389. 9-21-62, W. Dist. Tex., against H. O. Wooten Grocer Co., a corporation, Odessa, Tex., Kay Kimbell, president, A. L. Scott, vice president, and Charles G. Lethcoe, manager.

Sherman Division, Information No. 1304. 9-18-62, E. Dist. Tex., against Kimbell Diamond Co., a corporation, t/a Kimbell-Sherman Co., Sherman, Tex., Kay Kimbell, president, A. L. Scott, general manager, and Austin Presley, manager.

ALLEGED VIOLATIONS: Fort Worth Division, Information No. 10302. Between 12-9-60 and 12-19-60, while shelled peanuts were being held for sale after shipment in interstate commerce, the defendants caused the article to be placed in a building accessible to rodents and caused the article to be exposed to contamination by rodents, which acts resulted in the article being adulterated. In addition, on 3-25-61, the defendants caused a number of jars of peanut butter which were adulterated, to be shipped from Fort Worth, Tex., to Albuquerque, N. Mex.

Sherman Division, Information No. 1302. Between 10-27-61 and 11-15-61, the defendants caused a number of bags of Kimbell's Enriched Flour and Sunnyfield Self-Rising Enriched Flour, which were adulterated, to be shipped from Denton, Tex., to Camden, Ark., Durant, Okla., and Shreveport, La.

Pecos Division, Information No. 10389. Between 12-5-60 and 11-16-61, while quantities of seedless raisins and egg noodles were being held for sale after shipment in interstate commerce, the defendants caused the articles to be placed in a building accessible to insects and caused the articles to be exposed to contamination by insects, which acts resulted in the articles being adulterated.

Sherman Division, Information No. 1304. Between 3-29-61 and 9-11-61, while quantities of candy bars, rolled oats, egg noodles, and flour were being held for sale after shipment in interstate commerce, the defendant caused the articles to be placed in a building that was accessible to insects and caused the articles to be exposed to contamination by insects, which acts resulted in the articles being adulterated.

LABEL IN PART: (Jar) "Kimbell's Peanut Butter Net Wt. 1 lb. 8 ozs. Kimbell Food Products Co. Fort Worth, Texas"; (bag) "Sunnyfield Self-Rising Enriched Flour The Great Atlantic & Pacific Tea Co., Inc. New York, N.Y. Distributor"; and (bag) "Kimbell's Enriched Flour Kimbell-Diamond Milling Co. General Offices Fort Worth, Texas."

CHARGE: Fort Worth Division, Information No. 10302, 402(a)(3)—the shelled peanuts contained rodent urine; 402(a)(4)—the shelled peanuts were held under insanitary conditions; 402(a)(3)—the peanut butter contained rodent hairs; 402(a)(4)—peanut butter had been prepared and packed under insanitary conditions.

Sherman Division, Information No. 1302, 402(a)(3)—contained insects and rodent urine; 402(a)(4)—prepared and packed under insanitary conditions.

Pecos Division, Information No. 10389, 402(a)(3)—contained live and dead insects; 402(a)(4)—held under insanitary conditions.

Sherman Division, Information No. 1304, 402(a)(3)—contained insects; 402(a)(4)—held under insanitary conditions.

PLEA: Nolo contendere.

DISPOSITION: The Pecos Division Information and the Sherman Division Informations numbered 1302 and 1304, were transferred by consent to the Northern Dist. of Tex., and were filed there, on 10-15-62, as Informations numbered 10389, 10390, and 10391, respectively. On 12-20-62, Kimbell Milling Co., t/a Kimbell Food Products Co., fined \$1,000, Kay Kimbell fined \$200, C. Binkley Smith fined \$200, and C. T. Mathews fined \$200; Kimbell Milling Co., t/a Kimbell-Diamond Milling Co., fined \$3,500, Kay Kimbell fined \$700, C. Binkley Smith fined \$700, and Dewey C. Morrow fined \$700; H. O. Wooten Grocer Co. fined \$1,500, Kay Kimbell fined \$300, A. L. Scott fined \$300, and C. G. Lethcoe fined \$300; Kimbell Diamond Co., t/a Kimbell-Sherman Co., fined \$2,500, Kay Kimbell fined \$500, A. L. Scott fined \$500, and Austin Presley fined \$500.

OILS AND FATS

28785. Edible oil. (F.D.C. No. 48377. S. No. 6-101 V.)

QUANTITY: 15 cases, each containing 6 1-gal. cans, at East Providence, R.I.

SHIPPED: 10-10-62, from Boston, Mass., by C. Pappas Co., Inc.

LABEL IN PART: (Can) "Stella D'Oro Salad Oil * * * Containing 80% Choice Cottonseed Oil 20% Pure Imported Olive Oil Blended & Packed by C. Pappas Co., Inc. Boston, Mass." and (case) "Stella D'Oro Salad Oil 80% Pure Vegetable Oil 20% Olive Oil Packed by C. Pappas Company, Inc. Boston, Mass."

RESULTS OF INVESTIGATION: Examination showed that the article contained approximately 10 percent olive oil.

LIBELED: 11-23-62, Dist. R.I.