

30185. Shelled almonds. (F.D.C. No. 51384. S. No. 9-210 B.)

QUANTITY: 18 25-lb. cases at Seattle, Wash.

SHIPPED: 9-15-64, from Chico, Calif.

LIBELED: On or about 5-14-65, W. Dist. Wash.

CHARGE: 402(a)(3)—contained insects, insect fragments, insect webbing, insect excreta, and insect-damaged nuts while held for sale.

DISPOSITION: 6-18-65. Default—delivered to a Government institution for use as animal feed.

30186. Shelled almonds. (F.D.C. No. 50764. S. Nos. 122-569/71 A.)

QUANTITY: 62 100-lb. bags at Minneapolis, Minn.

SHIPPED: 10-30-64, from Sacramento, Calif.

LIBELED: 12-4-64, Dist. Minn.

CHARGE: 402(a)(3)—contained insect fragments, insect webbing, insect excreta, and insect-damaged nuts while held for sale.

DISPOSITION: 1-8-65. Consent—claimed by California Almond Growers Exchange, Sacramento, Calif. Segregated and reconditioned; 282 lbs. destroyed.

30187. Shelled mixed nuts. (F.D.C. No. 49088. S. Nos. 85-004/5 V.)

QUANTITY: 108 cases, each containing 12 cans, at Bellevue, Wash., and 136 cases, each containing 24 cans, at Seattle, Wash.

SHIPPED: 4-11-63 and 5-16-63, from Portland, Oreg., by Johnson Nut Co.

LABEL IN PART: "Crest-Pac Salted Mixed Nuts 13 Oz. Net Weight * * * Johnson Nut Company Minneapolis Portland Winnipeg Peanuts, Cashews, Almonds, Brazils, Walnuts or Pecans."

RESULTS OF INVESTIGATION: Examination showed that the cans of both lots of the article were filled to approximately 57 percent of the capacity of the cans and that neither lot of the article contained any pecans. Inside the can, the nuts were contained in a waxed paper bag which had been wadded at the top and the wad was stuffed down into the center of the nuts so that when the can was opened the nuts inside the bag surrounding the center wad of paper would be visible. The article was also found to be between approximately 3.54 percent and 4.31 percent short weight.

LIBELED: 6-24-63, W. Dist. Wash.

CHARGE: 403(a)—when shipped, the label declaration of ingredients of the article, including "Pecans" was false and misleading, since the article contained no pecans, and the label vignette depicting substantial quantities of nuts other than peanuts, including pecans, was false and misleading for an article containing predominantly peanuts with small amounts of nuts other than peanuts and no pecans; 403(d)—the article's container was so filled as to be misleading, since the nuts occupied approximately 57 percent of the capacity of the cans and additional nuts could be packed in the can with no physical packaging difficulty; and 403(e)(2)—the article was food in package form and it failed to bear a label containing an accurate statement of the quantity of the contents, since the label statement "13 Oz. Net Weight" was inaccurate.

DISPOSITION: 8-6-63. Consent—claimed by Johnson Nut Co., Portland, Oreg., and repacked and relabeled.