DISPOSITION: 1–18–60. Default—destruction.

26258. Bibb lettuce. (F.D.C. No. 44020. S. No. 71–444 P.)

QUANTITY: 100 5-lb. baskets at Cincinnati, Ohio.

SHIPPED: 12–26–59 and 12–27–59, from Terre Haute, Ind., by J. W. Davis Co.

LABEL IN PART: (Lid) "Bibb Lettuce * * * J. W. Davis Co. Terre Haute, Ind."

LIBELED: 1–4–60, S. Dist. Ohio.

CHARGE: 402(a)(2)—when shipped, the article was a raw agricultural commodity and contained a pesticide chemical, namely, pentachloro nitrobenzene, which is unsafe within the meaning of 408 since no tolerance or exemption from the requirement of a tolerance for such pesticide chemical on lettuce has been prescribed by regulations.

DISPOSITION: 1–4–60. Default—destruction.

26259. Diced red peppers. (F.D.C. No. 43825. S. No. 73–911 P.)

QUANTITY: 132 6-lb. 6-oz cans at Houston, Tex.

SHIPPED: 9–25–59, from Orinda, Calif.

LABEL IN PART: (Can) "Monarch Diced Sweet Red Peppers * * * Consolidated Foods Corporation * * * Chicago."

RESULTS OF INVESTIGATION: Inspection of the Giambanco Wine Vinegar Co., Oakdale, Calif., the packer of the article, showed that insanitary conditions existed in its plant.

LIBELED: 11–24–59, S. Dist. Tex.

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

DISPOSITION: 2–16–60. Default—destruction.

26260. Sweet mixed peppers. (F.D.C. No. 43912. S. No. 85–534 P.)

QUANTITY: 48 cases, 12 1-quart jars each, at Brooklyn, N.Y.

SHIPPED: 10–20–59, from Milford, Del., by Milford Packing Co.

LIBELED: 12–14–59, E. Dist. N.Y.

CHARGE: 402(a)(3)—when shipped, the article contained insects and insect parts; 403(e)—the article failed to bear a label containing (1) the name and place of business of the manufacturer, packer, or distributor; and (2) an accurate statement of the quantity of contents; and 403(i)—it failed to bear (1) the common or usual name of the food, and (2) the common or usual name of each ingredient.

DISPOSITION: 1–15–60. Default—destruction.

26261. Sauerkraut. (F.D.C. No. 43796. S. No. 68–079 P.)

QUANTITY: 115 cases, 12 2-lb. pkgs. each, at Plymouth, Pa.

SHIPPED: 10–16–59, from North Norwich, N.Y., by Rea-D-Pack Foods, Inc.

LABEL IN PART: (Pkg.) "Willie's Home Style Sauerkraut * * * Rea-D-Pack Foods, N. Norwich, N.Y."

LIBELED: 11–5–59, M. Dist. Pa.

CHARGE: 402(a)(3)—contained insects, insect fragments, fly eggs, and maggots; and 402(a)(4)—prepared and packed under insanitary conditions.