

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

**DISPOSITION:** 10-22-63. Consent—claimed by Peavey Co. Producers Service and cleaned; 16,490 lbs. destroyed.

**29333. Rice.** (F.D.C. No. 49446. S. Nos. 22-951 X, 72-701 X, 72-705 X.)

**QUANTITY:** 108 cases, each containing 20 3-lb. ctns. of white rice, and 62 cases, each containing 30 12-oz. ctns. of brown rice, at Salt Lake City, Utah, in possession of Cornwall Warehouse Co.

**SHIPPED:** 6-27-63, from Houston, Tex.

**LIBELED:** 11-12-63, Dist. Utah.

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

**DISPOSITION:** 1-6-64. Default—delivered to a public institution for use as animal feed.

**29334. Breeding.** (F.D.C. No. 49416. S. No. 22-440 X.)

**QUANTITY:** 12 100-lb. drums and 9 50-lb. drums at Denver, Colo.

**SHIPPED:** Between 4-18-63 and 6-4-63, from Millstadt, Ill.

**LIBELED:** 10-22-63, Dist. Colo.

**CHARGE:** 402(a)(3)—contained insects while held for sale.

**DISPOSITION:** 12-10-63. Default—delivered to a Government institution for use as animal feed.

**29335. Breeding.** (F.D.C. No. 49427. S. Nos. 32-861/4 X.)

**QUANTITY:** 38 100-lb. bags of special breeder, 4 100-lb. bags of special batter mix, 51 100-lb. bags of batter mix, and 49 100-lb. bags of special breeder, at Los Angeles, Calif.

**SHIPPED:** Between 4-19-63 and 9-10-63, from Millstadt, Ill., and Seattle, Wash.

**LIBELED:** 10-22-63, S. Dist. Calif.

**CHARGE:** 402(a)(3)—contained insects while held for sale.

**DISPOSITION:** 11-14-63. Default—destruction.

**29336. Breeding.** (F.D.C. No. 49415. S. No. 9-628 X.)

**QUANTITY:** 163 50-lb. drums at Pittsburgh, Pa.

**SHIPPED:** 7-27-63, from Millstadt, Ill.

**LIBELED:** 10-16-63, W. Dist. Pa.

**CHARGE:** 402(a)(3)—contained insects while held for sale.

**DISPOSITION:** 1-21-64. Consent—destruction.

**29337. Unpopped popcorn.** (F.D.C. No. 49500. S. No. 18-996 X.)

**QUANTITY:** 23 cases, each containing 24 1-lb. pkgs., and 9 cases, each containing 12 2-lb. pkgs., at Laredo, Tex.

**SHIPPED:** 8-26-63, from North Bend, Nebr.

**LIBELED:** 11-6-63, S. Dist. Tex.

**CHARGE:** 402(a)(3)—contained insects while held for sale.

**DISPOSITION:** 12-9-63. Default—destruction.

**29338. Unpopped popcorn.** (F.D.C. No. 49561. S. No. 32-265 X.)

**QUANTITY:** 400 50-lb. bags, at Los Angeles, Calif., in possession of Pop-Corn Crib, Inc.

**SHIPPED:** 10-7-63, from North Bend, Nebr.

**LIBELED:** 12-12-63, S. Dist. Calif.

**CHARGE:** 402(a)(3)—contained rodent excreta pellets, rodent hairs, rodent-gnawed corn, and insects; and 402(a)(4)—held under insanitary conditions.

**DISPOSITION:** 2-11-64. Consent—claimed by Pop-Corn Crib, Inc., of Los Angeles, Calif., and converted into animal feed.

## DAIRY PRODUCTS

### BUTTER

**29339. Butter.** (F.D.C. No. 47654. S. No. 39-416 X.)

**QUANTITY:** 15 60-lb. ctns. at New York, N.Y.

**SHIPPED:** 7-31-63, from Readlyn, Iowa, by Northeast Iowa Cooperative Creameries Association.

**LABEL IN PART:** (Ctn.) "The Name Tells The Grade CREMOLAND SWEET CREAM BUTTER Sole Distributor Zenith-Godley Company, Inc., New York \* \* \* Better Quality Butter."

**RESULTS OF INVESTIGATION:** Investigation of the manufacturer of the butter, Tripoli Coop. Creamery Co., Tripoli, Iowa, revealed that the firm was using filthy cream in the churn from which the above butter was taken.

**LIBELED:** On or about 8-16-63, S. Dist. N.Y.

**CHARGE:** 402(a)(3)—contained a filthy substance when shipped.

**DISPOSITION:** 9-24-63. Default—destruction.

**29340. Whipped butter.** (F.D.C. No. 47645. S. Nos. 30-553/4 V.)

**QUANTITY:** 83 cases (45 of salted whipped butter and 38 of unsalted whipped butter), each case containing 32 ctns., at Inglewood, Calif.

**SHIPPED:** 11-17-62, from Chicago, Ill., by National Cheese Co.

**LABEL IN PART:** (Ctn.) "One Half Lb. Salted [or "SWEET (Unsalted)"] DAISY BRAND Whipped butter \* \* \* 8 Oz. Net Wt. \* \* \* Distr. by Whipped Butter Products, Inc., Inglewood, Calif."

**RESULTS OF INVESTIGATION:** Analysis showed that the unsalted whipped butter was approximately 2 percent short weight and the salted whipped butter was approximately 2½ percent short weight.

**LIBELED:** 1-4-63, S. Dist. Calif.; libel amended 2-5-63.

**CHARGE:** 403(e)(2)—when shipped, the articles failed to bear an accurate statement of the quantity of contents, since the label statement "8 Oz. Net" was inaccurate; 403(a)—the label statement "Less Calories Per Serving" was false and misleading because, when considered in the setting in which presented, it implied that the articles had less calories than butter generally; and 402(a)(3)—the unsalted whipped butter contained a decomposed substance.