

DISPOSITION: August 12, 1946. The Italo American Grocery Co., Trenton, N. J., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

9961. Adulteration of dried green peas. U. S. v. 339 Bags of Dried Green Peas. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 19836. Sample Nos. 46849-H, 46850-H.)

LIBEL FILED: May 10, 1946, Northern District of California.

ALLEGED SHIPMENT: On or about February 21 and March 16, 1946, by the McDonnell Seed Co., from Spokane, Wash.

PRODUCT: 339 100-pound bags of dried green peas at San Francisco, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of weevils.

DISPOSITION: June 10, 1946. The Taylor-Walcott Co., San Francisco, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for conversion into stock or poultry feed, under the supervision of the Federal Security Agency.

9962. Adulteration and misbranding of sauerkraut. U. S. v. 6 Cases and 3 Cases of Sauerkraut. Default decree of condemnation and destruction. (F. D. C. No. 19978. Sample No. 63412-H.)

LIBEL FILED: May 29, 1946, District of New Jersey.

ALLEGED SHIPMENT: On or about October 23, 1945, and January 24, 1946, by the Hungarian Pickle Products Co., from Brooklyn, N. Y.

PRODUCT: 6 cases, each containing 12 jars, and 3 cases, each containing 4 jars, of sauerkraut at Paterson, N. J. Some of the containers of the product were 36-ounce jars, and the remainder were gallon jars. All were labeled "1 Fl. Quart." The jars contained, respectively, an average of 22.97 ounces and 77.72 ounces, avoirdupois, of drained kraut. Such size containers should hold, respectively, a minimum of 28 ounces and 100 ounces, avoirdupois, of drained kraut.

LABEL, IN PART: "L and B Quality Sauerkraut."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), brine had been substituted in part for Sauerkraut.

Misbranding, Section 403 (d), the containers were so filled as to be misleading since, because of the tendency of sauerkraut to disperse in the liquid packing medium, the jars appeared to contain more sauerkraut than was actually the case; and, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: August 19, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

9963. Adulteration of canned sauerkraut. U. S. v. 402 Cases of Canned Sauerkraut. Default decree of condemnation and destruction. (F. D. C. No. 20376. Sample No. 52459-H.)

LIBEL FILED: June 28, 1946, Southern District of Ohio.

ALLEGED SHIPMENT: On or about January 31, 1946, by the Mayfair Food Products Co., Chicago, Ill.

PRODUCT: 402 cases, each containing 6 5-pound cans, of sauerkraut at Cincinnati, Ohio.

LABEL, IN PART: "Barbara Lee Sauer Kraut."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: August 7, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

9964. Misbranding of canned sauerkraut. U. S. v. 97 Cases of Canned Sauerkraut. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 19706. Sample No. 1720-H.)

LIBEL FILED: April 25, 1946, Western District of South Carolina.

ALLEGED SHIPMENT: On or about January 28, 1946, by the North State Canning Co., Inc., from Boone, N. C.

PRODUCT: 97 cases, each containing 24 1-pound, 11-ounce cans, of sauerkraut at Greenville, S. C.

LABEL, IN PART: "Watauga Aunt Cindy's Fancy Shredded Kraut."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Fancy Shredded Kraut" was false and misleading because the article was not "Fancy," since the color was not uniform, the cabbage leaves were so cut that they were irregular and choppy, and the texture was not firm or crisp.

DISPOSITION: June 10, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

9965. Adulteration of canned turnip greens. U. S. v. 104 Cases and 113 Cases of Canned Turnip Greens. Default decrees of condemnation and destruction. (F. D. C. Nos. 19678, 19891. Sample Nos. 1192-H, 54303-H.)

LIBELS FILED: April 18 and May 9, 1946, Middle and Western Districts of North Carolina.

ALLEGED SHIPMENT: On or about January 8, 1946, by the South Atlantic Canning Co., Inc., from Charleston and Mount Pleasant, S. C.

PRODUCT: 104 cases at Salisbury, N. C., and 113 cases at Charlotte, N. C., each case containing 24 1-pound, 2-ounce cans, of turnip greens.

LABEL, IN PART: "I-Dine Brand * * * Turnip Greens."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of large insects known as "stink bugs."

DISPOSITION: June 20 and 25, 1946. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

9966. Misbranding of mixed vegetables. U. S. v. 349 Cases of Mixed Vegetables. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 19936. Sample No. 2999-H.)

LIBEL FILED: May 16, 1946, District of Columbia.

ALLEGED SHIPMENT: On or about February 8, 1946, by Charles G. Summers, Jr., Inc., from New Freedom, Pa.

PRODUCT: 349 cases, each containing 24 1-pound, 4-ounce cans, of mixed vegetables at Washington, D. C.

LABEL, IN PART: "Superfine * * * Brand Fancy Mixed Vegetables [vignette of a dish of mixed vegetables]."

NATURE OF CHARGE: Misbranding, Section 403 (a), the vignette on the label showed a dish of mixed vegetables including corn and lima beans, and the words "Corn" and "Lima Beans," which appeared in the list of ingredients on the label, were false and misleading since the article contained no corn or lima beans; the vignette, which showed very few carrots, was misleading since carrots predominated in the article; and the label designation "Fancy" was false and misleading as applied to a product which was not fancy quality, because of the presence in the product of scrap vegetables, most of which consisted of small pieces of carrots.

DISPOSITION: June 10, 1946. Charles G. Summers, Jr., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

TOMATOES AND TOMATO PRODUCTS

9967. Adulteration of canned tomato catsup. U. S. v. 421 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. D. C. No. 20388. Sample No. 46231-H.)

LIBEL FILED: July 9, 1946, Northern District of California.

ALLEGED SHIPMENT: On or about May 8, 1946, by Kushner and Co., from New York, N. Y.

PRODUCT: 421 cases, each containing 6 6-pound, 9-ounce cans, of tomato catsup at Sacramento, Calif. Examination showed the presence of decomposed tomato material.

LABEL, IN PART: "Dale Brand Tomato Catsup * * * Packed by Orleans County Canning Co., Barre Center, N. Y."