

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."

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

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

9968. Adulteration of tomato catsup. U. S. v. 15 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. D. C. No. 20378. Sample No. 15355-H.)

LIBEL FILED: July 2, 1946, Eastern District of Wisconsin.

ALLEGED SHIPMENT: On or about March 9 and 15, 1946, by the Indiana Wholesale Food Supply Corporation, from Gary, Ind.

PRODUCT: 15 cases, each containing 24 14-ounce bottles, of tomato catsup at Racine, Wis.

LABEL, IN PART: "Jackson Brand Tomato Catsup * * * Packed by Morgan Packing Company, Austin, Indiana."

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

DISPOSITION: August 6, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

9969. Adulteration of tomato juice. U. S. v. Roger H. Denbo (R. H. Denbo Canning Co.). Plea of guilty. Fine, \$325 and costs, and probation for 1 year. (F. D. C. No. 20434. Sample Nos. 39405-H, 39406-H, 39411-H, 39413-H.)

INFORMATION FILED: June 20, 1946, Northern District of Indiana, against Roger H. Denbo, trading as the R. H. Denbo Canning Co., Roanoke, Ind.

ALLEGED SHIPMENT: On or about September 23 and 24 and October 3, 1945, from the State of Indiana into the State of Illinois of quantities of unlabeled canned tomato juice.

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

DISPOSITION: July 9, 1946. A plea of guilty having been entered, the court imposed a fine of \$100 on each of counts 1, 2, and 3, plus costs, and placed the defendant on probation for a period of 1 year, without sentence, on count 4 of the information.

9970. Adulteration of tomato juice. U. S. v. 415 Cases of Tomato Juice. Default decree ordering product denatured or destroyed. (F. D. C. No. 19794. Sample Nos. 51307-H, 51308-H.)

LIBEL FILED: April 27, 1946, District of Minnesota.

ALLEGED SHIPMENT: On or about March 23, 1946, by the Bortz-Sakowitz Co., from Indianapolis, Ind.

PRODUCT: 415 cases, each containing 24 1-pint, 2-ounce cans, of tomato juice at Minneapolis, Minn.

LABEL, IN PART: "Hartley's Brand Tomato Juice Packed By Hartley & Sons Canning Co., Elwood, Ind."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of moldy and decomposed tomato material.

DISPOSITION: August 5, 1946. No claimant having appeared, judgment was entered ordering the product denatured for use as animal feed, under the supervision of the Food and Drug Administration; otherwise the product was to be destroyed.

9971. Misbranding of tomato juice. U. S. v. 49 Cases of Tomato Juice. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 19784. Sample Nos. 35189-H, 35190-H.)

LIBEL FILED: April 24, 1946, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about November 24, 1945, by the Limberlost Canning Corporation, from Geneva, Ind.

PRODUCT: 49 cases, each containing 12 cans, of tomato juice at St. Louis, Mo. Examination showed that the product was short-volume.

LABEL, IN PART: (Can) "Lady Geneva Brand Tomato Juice Contents 1 Qt. 14 Fl. Oz."