

6521. Adulteration and misbranding of sauerkraut. U. S. * * * v. 606 Cases of Sauerkraut. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 8799. I. S. No. 9440-p. S. No. C-816.)

On February 18, 1918, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 606 cases, each containing 24 cans of sauerkraut, at Minneapolis, Minn., alleging that the article had been shipped on or about May 28, 1917, by the Thomas Canning Co., Grand Rapids, Mich., and transported from the State of Michigan into the State of Minnesota, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Thomas Sauer Kraut, Thomas Canning Co., Grand Rapids, Mich."

Adulteration of the article was alleged in the libel for the reason that excessive brine had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for sauerkraut.

Misbranding of the article was alleged for the reason that the statement, to wit, "Sauer Kraut," deceived and misled the purchaser into the belief that the product consisted of sauerkraut containing a normal quantity of brine, whereas, in truth and in fact, it contained an excessive quantity of brine.

On March 23, 1918, George R. Newell & Co., Minneapolis, Minn., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act.

C. F. MARVIN, *Acting Secretary of Agriculture.*