

Grove Canning Co. from St. Martinville, La.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance rendering it unfit for human consumption. The article was labeled in part: "Pine Grove Brand Cut Okra," "Creole Maid Brand Cut Okra" or "Gulf Bend Brand Cut Okra."

Between April 3 and August 11, 1943, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed. On August 11, 1943, the decree entered in the case covering the lot located at Fort Worth, Tex., was amended providing for the use of the product as hog feed.

5037. Adulteration of sauerkraut. U. S. v. 1,500 Cases of Sauerkraut (and 2 additional seizure actions against sauerkraut). Consent decrees of condemnation. Product ordered released under bond for reconditioning or relabeling. (F. D. C. Nos. 9132, 9709, 9817. Sample Nos. 24165-F, 24179-F, 30961-F, 31131-F.)

Between January 5 and April 19, 1943, the United States attorneys for the District of Columbia, the Western District of Washington, and the District of Oregon filed libels against 1,500 cases, each containing 12 jars, of sauerkraut at Washington, D. C., 170 cases of sauerkraut at Seattle, Wash., and 690 cases of sauerkraut at Portland, Oreg., alleging that the article had been shipped in interstate commerce within the period from on or about December 20, 1942, to January 15, 1943, by the Goldsmith Pickle Co. from Chicago, Ill.; and charging that it was adulterated in that brine had been substituted wholly or in part for sauerkraut, which the article purported and was represented to be. The article was labeled in part: (Jars) "Goldsmith Brand Sauerkraut," or "Champion Brand * * * Packed By Western Pickle Co., Chicago, Ill."

Between January 18 and June 8, 1943, the following claimants having appeared: The Goldsmith Pickle Co. for the lot at Washington, D. C., the Western Pickle Co., for the lot Seattle, Wash., and Wadhams & Co., Portland, Oreg., for the lot at Portland, Oreg., and all three claimants having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond for reconditioning by repacking or relabeling, under the supervision of the Food and Drug Administration.

5038. Misbranding of canned peas. U. S. v. 412 Cases of Canned Peas (and 5 additional seizure actions against canned peas.) Decrees of condemnation with provision for release under bond for relabeling. (F. D. C. Nos. 8370, 8391, 8392, 8841, 8859, 9112, Sample Nos. 2721-F, 4373-F, 4387-F, 4762-F, 4763-F, 32001-F.)

On or about September 16 and 22, November 7, 1942, and January 2, 1943, the United States attorneys for the Western District of Missouri, the Eastern and Western Districts of Kentucky, and the Eastern and Middle Districts of Tennessee filed libels against 412 cases of canned peas at North Kansas City, Mo., 1,582½ cases at Louisville, Ky., 277 cases at East Bernstadt, Ky., 127 cases at Lafayette, Tenn., and 131 cases at Clarksville, Tenn., alleging that the article had been shipped in interstate commerce within the period from on or about July 22 to August 26, 1942, by the Morgan Packing Co. from Franklin and Austin, Ind.; and charging that it was misbranded. The article was labeled in part: (Cans) "Scott Co. [or "American Beauty," or "Royal Crown"] Garden Run Early June Peas," or "Leota Belle * * * Early June Peas * * * Packed by Franklin Packing Co. Franklin, Ind."

It was alleged to be misbranded in that it purported to be and was represented as a food for which a standard of quality had been prescribed by regulation as provided by law, but its quality fell below such standard and its label failed to bear, in such manner and form as the regulations specify, a statement that it fell below the standard.

The Morgan Packing Co. appeared as claimant in each action and admitted the allegations of the libels. On November 5, 1942, decrees were entered in the Western District of Kentucky ordering the release, for relabeling in compliance with the law, of the product seized at Louisville. On November 19 and 20, and December 14, 1942, and January 21, 1943, judgments of condemnation were entered in the remaining actions and the product was ordered released under bond, conditioned that it be relabeled.

5039. Misbranding of canned peas. U. S. v. 251 Cases of Canned Peas. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 9521. Sample No. 36899-F.)

On March 9, 1943, the United States attorney for the District of Baltimore filed a libel against 251 cases, each containing 24 cans, of peas at Frederick, Md., alleging that the article had been shipped in interstate commerce on or about June 30 and August 18, 1942, by Burgoon & Yingling from Gettysburg, Pa.; and charging that it was misbranded. The article was labeled in part: (Cans) "National Park Brand No. 4-Sieve Early June Peas."