

5225. Misbranding of canned pimientos. U. S. v. 55 Cases of Canned Pimientos. Default decree of condemnation and destruction. (F. D. C. No. 9843. Sample No. 9115-F.)

This product was short-weight. The average net weight found was 6.76 ounces, a shortage of 3.4 percent. The lowest net weight found was 4.83 ounces.

On April 21, 1943, the United States attorney for the Eastern District of Louisiana filed a libel against 55 cases, each containing 24 cans, of pimientos at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about February 24, 1943, by the Dorgan Packing Corporation from Columbia, Miss.; and charging that it was misbranded. The article was labeled in part: (Cans) "Gulf Kist Brand Contents 7 Ozs. Avoir. Whole Pimientos."

The article was alleged to be misbranded in that the statement "Contents 7 Ozs. Avoir." was false and misleading as applied to an article that was short-weight, and in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

On August 14, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5226. Adulteration of sauerkraut. U. S. v. 210 Cases, 587 Cases, and 213 Cases of Sauerkraut. Decree of condemnation. Portion of product ordered distributed to charitable institutions. Remainder ordered released under bond for relabeling. (F. D. C. Nos. 9729, 9924. Sample Nos. 14339-F, 31138-F, 31139-F.)

On March 30 and May 13, 1943, the United States attorneys for the Southern District of California and the District of Oregon filed libels against 210 cases of sauerkraut at Los Angeles, Calif., and 800 cases of sauerkraut at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about February 9 and 27, 1943, by the Mayfair Food Products 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 to be. The article was labeled in part: (Jars) "Mayfair Set Sauer Kraut."

On May 3, 1943, no claimant having appeared for the product located at Los Angeles, Calif., judgment of condemnation was entered and it was ordered distributed to charitable institutions. On July 8, 1943, Fred Meyer, Inc., of Portland, Oreg., having appeared as claimant for the product located there and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

5227. Adulteration of sauerkraut. U. S. v. 554 Cases and 686 Cases of Sauerkraut. Decrees of condemnation. One lot ordered released under bond for relabeling and reconditioning. Remaining lot ordered destroyed. (F. D. C. Nos. 9708, 10112. Sample Nos. 1389-F, 31052-F.)

On March 26 and June 26, 1943, the United States attorneys for the Western District of Michigan and the Western District of Washington filed libels against 554 cases of sauerkraut at Grand Rapids, Mich., and 686 cases of sauerkraut at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about February 4 and April 2, 1943, by the Chicago Pickle Co., Inc., from Chicago, Ill.; and charging that it was adulterated. The article was labeled in part: "Chipico Famous for its Flavor Home Made Style Sauer Kraut."

The lot located at Grand Rapids, Mich., was alleged to be adulterated in that brine had been substituted wholly or in part for sauerkraut, which the article purported to be. The lot located at Seattle, Wash., was alleged to be adulterated in that it consisted in whole or in part of a decomposed substance, and in that brine and vinegar had been substituted wholly or in part for sauerkraut, which the article purported and was represented to be.

On May 24, 1943, the Chicago Pickle Co., Inc., having appeared as claimant for the lot located at Grand Rapids, Mich., and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reconditioning under the supervision of the Food and Drug Administration. On July 28, 1943, no claimant having appeared for the lot located at Seattle, Wash., judgment of condemnation was entered and the product was ordered destroyed.

5228. Adulteration of sauerkraut. U. S. v. 208 Cases of Sauerkraut. Default decree of condemnation and destruction. (F. D. C. No. 9828. Sample No. 31133-F.)

This product contained an excessive amount of brine. The liquid was not kraut juice, but was largely salt water.