

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.

On April 19, 1943, the United States attorney for the District of Oregon filed a libel against 208 cases, each containing 12 jars, of sauerkraut at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about February 10, 1943, by the Berger Foods Co., from St. Louis, Mo.; and charging that it was adulterated in that brine had been substituted wholly or in part for sauerkraut. The article was labeled in part: (Jars) "Cardinal Brand Fancy Sauerkraut."

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

5229. Adulteration of canned spinach. U. S. v. 168 Cases of Canned Spinach. Default decree of condemnation and destruction. (F. D. C. No. 9825, Sample No. 37959-F.)

On April 22, 1943, the United States attorney for the Northern District of Illinois filed a libel against 168 cases of canned spinach at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about February 23, 1943, by the Russellville Canning Co. from Russellville, Ark.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On June 17, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5230. Adulteration of canned spinach. U. S. v. 1,828 Cases of Canned Spinach. Portion of product condemned and ordered destroyed. Remainder ordered released to claimant. (F. D. C. No. 9046, Sample No. 28920-F.)

On December 19, 1942, the United States attorney for the Northern District of Georgia filed a libel against 1,828 cases of canned spinach at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about November 17 and 19, 1942, by the H. J. McGrath Co. from Baltimore, Md.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, larvae. The article was labeled in part: (Cans) "McGrath's Champion Brand Spinach."

On June 17, 1943, the H. J. McGrath Co., having appeared as claimant, judgment of condemnation was entered with respect to two of the lots bearing certain code numbers and they were ordered destroyed. The third lot, bearing a different code number, was ordered released after segregation by the claimant and inspection and approval by the Food and Drug Administration.

5231. Adulteration of canned turnip greens. U. S. v. Wallace C. Bohannon (W. C. Bohannon Canning Co.). Plea of guilty. Fine, \$250. (F. D. C. No. 9640, Sample No. 9630-F.)

On June 1, 1943, the United States attorney for the Southern District of Texas filed an information against Wallace C. Bohannon, trading under the firm name, W. C. Bohannon Canning Co., at Mission, Tex., alleging shipment on or about November 24, 1942, from the State of Texas into the State of Alabama of a quantity of canned turnip greens that were adulterated in that they consisted in whole or in part of filthy substances, insects and insect larvae. The article was labeled in part: "Valley Rose Brand * * * Turnip Greens."

On June 26, 1943, the defendant having entered a plea of guilty, the court imposed a fine of \$250.

MISCELLANEOUS VEGETABLE PRODUCTS

5232. Adulteration of dried mushrooms. U. S. v. 15 Cases, 25 Cases, and 5 Cartons of Dried Mushrooms. Decrees of condemnation. Portion of product ordered released under bond for removal of all objectionable matter; remainder ordered destroyed. (F. D. C. Nos. 9741, 10015, Sample Nos. 15142-F, 44206-F, 44207-F.)

On April 2 and May 24, 1943, the United States attorneys for the Eastern District of New York and the Southern District of California filed libels against 15 cases and 5 cartons of dried mushrooms at Ozone Park, N. Y., and 25 cases of dried mushrooms at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce within the period from on or about October 9, 1942, to April 29, 1943, by Sokol & Co. from Chicago, Ill.; and charging that it was adulterated in that it consisted in whole or in part of filthy substances, 40 cases showing contamination by insects and rodents, and 5 cartons showing insect contamination. The article was labeled in part: "Shield Brand [or "Solo Fancy"] Dried Mushrooms. * * * Solo Products Co., Chicago."

On June 26, 1943, no claimant having appeared for the lot at Los Angeles, Calif., judgment of condemnation was entered and the product was ordered