

DISPOSITION: July 13, 1944. Goldsmith Pickle Co., claimant for one of the Portland lots, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be repacked under the supervision of the Food & Drug Administration. September 25 and October 27, 1944. No claimant having appeared for the remaining lots, judgments of condemnation were entered; the Tacoma lot was ordered delivered to a Federal institution, and the other lot at Portland (24 cases) was ordered destroyed.

7152. Adulteration and misbranding of sauerkraut. U. S. v. 1,204 Cases and 115 Cases of Sauerkraut. Default decree of condemnation and destruction. (F. D. C. No. 12855. Sample No. 41495-F.)

LIBEL FILED: On or about July 4, 1944, Southern District of Texas.

ALLEGED SHIPMENT: On or about April 20, 1944, by Mayfair Food Products Co., from Chicago, Ill.

PRODUCT: 1,204 cases, each containing 12 24-ounce jars, and 115 cases, each containing 24 1-pint jars, of sauerkraut at Victoria, Tex.

LABEL, IN PART: (Jars) "Mayfair Set Sauer Kraut."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), brine had been substituted in part for sauerkraut, which the article purported and was represented to be.

Misbranding, Section 403 (d), the containers were so filled as to be misleading, since the 24-ounce jars were large enough to hold at least 50 percent more sauerkraut and the pint jars were large enough to hold at least 25 percent more sauerkraut than they actually contained, and the jars appeared to contain more kraut than was the case.

DISPOSITION: August 24, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

DRIED VEGETABLES

7153. Adulteration of dried beans. U. S. v. 130 Bags of Dried Beans. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 12640. Sample No. 72537-F.)

LIBEL FILED: June 9, 1944, Western District of Tennessee.

ALLEGED SHIPMENT: On or about November 16, 1943, from Morrill, Nebr.

PRODUCT: 130 100-pound bags of dried beans, in possession of M. Livingston & Co., Paris, Tenn.

The product was stored under insanitary conditions after shipment. The bags were rodent-cut and contained rodent excreta and urine stains. Examination showed that the product contained rodent excreta and rodent hairs.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: July 22, 1944. M. Livingston & Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed or denatured for animal feed, under the supervision of the Federal Security Agency.

7154. Adulteration of red kidney beans. U. S. v. 109 Sacks of Red Kidney Beans. Default decree of condemnation and destruction. (F. D. C. No. 12866. Sample No. 61718-F.)

LIBEL FILED: July 7, 1944, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about June 17, 1944, by Gulley Grocery Co., from Pascagoula, Miss.

PRODUCT: 109 100-pound sacks of red kidney beans at New Orleans, La.

LABEL, IN PART: "New York State Red Kidney Beans * * * Packed by Cooperative G. L. F. Farm Products, Inc., General Office Ithaca, N. Y."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance by reason of the presence of insect-infested and moldy beans.

DISPOSITION: August 25, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.