

DISPOSITION: February 14, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions, after removal of the labels.

7836. Adulteration and misbranding of sauerkraut. U. S. v. 60 Cases of Sauerkraut. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 14607. Sample No. 83031-F.)

LIBEL FILED: On or about November 27, 1944, District of Connecticut.

ALLEGED SHIPMENT: On or about November 3, 1944, by the New Jersey Empire Pickle Works, Inc., from Newark, N. J.

PRODUCT: 60 cases, each containing 12 1-quart jars of sauerkraut at New Haven, Conn. Examination showed that the jars contained an average of 18.06 ounces avoirdupois of drained kraut and 15.15 ounces avoirdupois of liquid packing medium, consisting of brine and vinegar. This size jar should contain at least 25 ounces avoirdupois of drained kraut. The jars had the deceptive appearance of being completely filled with sauerkraut.

LABEL, IN PART: (Jar) "Boyd Brand Sauerkraut."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), brine and vinegar had been substituted in part for sauerkraut.

Misbranding, Section 403 (d), the container was so filled as to be misleading since, because of the tendency of the sauerkraut to disperse in the liquid packing medium, the jars appeared to be filled, whereas they were large enough to hold at least 35 percent more sauerkraut.

DISPOSITION: February 14, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions, after removal of the labels.

7837. Adulteration of canned spinach. U. S. v. 258 Cases of Canned Spinach. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14502. Sample No. 87379-F.)

LIBEL FILED: November 24, 1944, District of Minnesota.

ALLEGED SHIPMENT: On or about August 9, 1944, by the Hargis Canneries, Inc., from Fayetteville, Ark.

PRODUCT: 258 cases, each containing 6 6-pound, 2-ounce cans, of spinach at Minneapolis, Minn.

LABEL, IN PART: "Hargis Brand Spinach."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: February 7, 1945. The Hargis Canneries, claimant, having admitted the material allegations of the libel with respect to a portion of the product, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the good cans be segregated from the bad, under the supervision of the Food and Drug Administration.

7838. Adulteration of canned spinach. U. S. v. 264 Cases and 125 Cases of Canned Spinach. Default decrees of condemnation and destruction. (F. D. C. Nos. 15015, 15016. Sample Nos. 90050-F, 90051-F.)

LIBEL FILED: January 22, 1945, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about August 28 and October 2, 1944, by the Clarksville Cooperative Canning Association, from Clarksville, Ark.

PRODUCT: 389 cases, each containing 24 cans, of spinach, at St. Louis, Mo.

LABEL, IN PART: "Home Town Brand Spinach," or "Coast Brand Spinach."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: February 24 and 26, 1945. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

TOMATOES AND TOMATO PRODUCTS*

7839. Adulteration of canned tomatoes. U. S. v. 84 Cases of Canned Tomatoes. Default decree of condemnation. Product ordered segregated and the good portion donated to charity. (F. D. C. No. 13107. Sample No. 72569-F.)

LIBEL FILED: August 5, 1944, Western District of Tennessee.

*See also No. 7824.

ALLEGED SHIPMENT: On or about June 24, 1944, by the Quality Products, Inc., from LaFeria, Tex.

PRODUCT: 84 cases, each containing 24 cans, of tomatoes at Memphis, Tenn.

LABEL, IN PART: "Curtis Tomatoes Contents 1 Lb. 3 Oz. Avd."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: December 15, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered segregated, under the supervision of an officer designated by the Federal Security Administrator, the good portion to be donated to charity and the bad portion destroyed. On December 16, 1944, an amended decree was entered providing for the collection of ration points on the salvaged product.

7840. Adulteration of canned tomatoes. U. S. v. 24 Cases and 17 Cartons of Canned Tomatoes. Default decrees of condemnation and destruction. (F. D. C. Nos. 15077, 15093. Sample Nos. 93755-F, 93844-F.)

LABEL FILED: January 22 and 25, 1945, Southern District of New York.

ALLEGED SHIPMENT: December 4 and 5, 1944, by John Minervini, from Hoboken, N. J.

PRODUCT: 24 cases, each containing 6 cans, of tomatoes at Poughkeepsie, N. Y., and 17 cartons, each containing 6 cans, of tomatoes at New York, N. Y.

LABEL, IN PART: "Minervini Brand Unpeeled Tomatoes * * * Italian Style."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: February 14, 1945. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

7841. Misbranding of canned tomatoes. U. S. v. 700 Cases of Canned Tomatoes. Decree of condemnation. Product ordered released under bond for re-labeling. (F. D. C. No. 14600. Sample No. 89873-F.)

LABEL FILED: November 29, 1944, Northern District of Mississippi.

ALLEGED SHIPMENT: On or about September 26, 1944, by the Ripley Canning Co., from Ripley, Tenn.

PRODUCT: 700 cases, each containing 24 cans, of tomatoes at Clarksdale, Miss. The product was substandard in quality and was short-weight.

LABEL, IN PART: (Can) "Forked Deer Brand Hand Packed Tomatoes."

VIOLATIONS CHARGED: Misbranding, Section 403 (h) (1), the quality of the product fell below the standard for canned tomatoes because of the presence of excessive peel and an excessive proportion of liquid and small pieces; Section 403 (h) (2), it fell below the standard of fill of container since it was filled to less than 90 percent of the total capacity of the container; and its label failed to bear, in such manner and form as the regulations specify, a statement that it fell below the standard; and, Section 403 (e) (2), it was a food in package form and it failed to bear a label containing an accurate statement of the quantity of the contents since the label statement, "Contents 1 Lb. 3 Ozs.," was inaccurate.

DISPOSITION: January 22, 1945. The Ripley Canning Co., Ripley, Tenn., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

7842. Adulteration of tomato catsup. U. S. v. 718 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. D. C. No. 15188. Sample No. 18303-H.)

LABEL FILED: February 1, 1945, Northern District of Iowa.

ALLEGED SHIPMENT: On or about December 12, 1944, by the Vincennes Packing Corporation, Seymour, Ind.

PRODUCT: 718 cases, each containing 24 bottles, of tomato catsup at Sioux City, Iowa.

LABEL, IN PART: "Alice of Old Vincennes Tomato Catsup."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: February 27, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.