

liquid packing medium, the jars appeared to contain more sauerkraut than they actually held.

DISPOSITION: August 13, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8952. Adulteration and misbranding of sauerkraut. U. S. v. 33 Cases of Sauerkraut. Default decree of condemnation and destruction. (F. D. C. No. 15728. Sample No. 5620-H.)

LABEL FILED: March 26, 1945, District of New Jersey.

ALLEGED SHIPMENT: On or about October 31, 1944, by Becker and Bigman, from Brooklyn, N. Y.

PRODUCT: 33 cases, each containing 12 1-quart jars, of sauerkraut at Newark, N. J.

LABEL, IN PART: "Old Fashioned Sauerkraut."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), brine had been substituted in part for sauerkraut, which the article was represented to be.

Misbranding, Section 403 (d), the containers of the article were so filled as to be misleading since the jars appeared to be filled, whereas they could have held at least 20 percent more sauerkraut.

DISPOSITION: May 11, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8953. Adulteration of Toastillas (corn product). U. S. v. 412 Dozen Bags and 21 Dozen Bags of Toastillas (and 2 other seizure actions against Toastillas). Default decrees of forfeiture. Portion of product ordered delivered to a public institution; remainder ordered destroyed. (F. D. C. Nos. 15313, 15338, 15756. Sample Nos. 316-H, 912-H, 917-H.)

LABELS FILED: Between February 28 and March 27, 1945, Southern District of Florida.

ALLEGED SHIPMENT: Between the approximate dates of February 2 and 14, 1945, by the Toastilla Co., from Columbus, Ga.

PRODUCT: 412 dozen 1½-ounce bags and 21 dozen 4½-ounce bags of Toastillas at Jacksonville, Fla., and 723 dozen 1½-ounce bags and 86 dozen 4½-ounce packages of the same product at Miami, Fla.

LABEL, IN PART: (Bags) "Toastillas Ingredients: Whole Grain Corn Cooked in Vegetable Oil Salt Added."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: Between March 28 and May 22, 1945, no claimants having appeared, judgments of forfeiture were entered and a portion of the product was ordered delivered to a public institution, for use as animal feed. The remainder was ordered destroyed.

TOMATOES AND TOMATO PRODUCTS

8954. Adulteration and misbranding of canned tomatoes. U. S. v. 20 Cases and 10 Cases of Canned Tomatoes. Default decrees of condemnation and destruction. (F. D. C. Nos. 15719, 15720. Sample Nos. 6055-H, 6056-H.)

LABELS FILED: March 20, 1945, Southern District of New York.

ALLEGED SHIPMENT: On or about December 20, 1944, by the Caruso Products Distributing Corporation, Newark, N. J.

PRODUCT: 30 cases, each containing 24 cans, of tomatoes at Bronx, N. Y.

LABEL, IN PART: (Portion of cans) "La Signora Brand * * * Unpeeled Tomatoes." The remainder of the cans were unlabeled.

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

Misbranding, Section 403 (e) (1), a portion of the product failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 403 (e) (2), it failed to bear an accurate statement of the quantity of the contents; and, Section 403 (i) (1), it failed to bear the common or usual name of the food.

DISPOSITION: April 11, 1945. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.