

**PRODUCT:** 17 cases, each containing 12 24-ounce jars, of sauerkraut at Cleveland, Ohio, and 69 cases and 119 cases, each containing 12 2-pound jars, of sauerkraut at Athens and Canton, Ohio, respectively. Examination showed that the jars contained less drained sauerkraut and more brine than jars of those sizes should contain. Because of the tendency of the product to disperse in the packing medium, the jars appeared to contain more sauerkraut than they did.

**LABEL, IN PART:** "Kokomo Brand \* \* \* Sauerkraut."

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

Misbranding, Section 403 (d), the container was so filled as to be misleading since the jars appeared to contain more sauerkraut than was actually the case.

**DISPOSITION:** Between May 26 and July 19, 1945, no claimant having appeared, judgments were entered ordering that portions of the product be delivered to public institutions and that the remainder be condemned and destroyed.

**9135. Adulteration of canned turnip greens. U. S. v. 822 Cases of Canned Turnip Greens. Default decree of condemnation and destruction.** (F. D. C. No. 15832. Sample Nos. 23922-H, 23923-H.)

**LIBEL FILED:** March 29, 1945, Middle District of Alabama.

**ALLEGED SHIPMENT:** On or about December 14, 1944, and January 16, 1945, by the G. L. Webster Co., Inc., and Taylor & Sledd, Inc., from Cheriton, Va.

**PRODUCT:** 822 cases, each containing 6 cans, of turnip greens, at Montgomery, Ala.

**LABEL, IN PART:** "Webster's Brand Turnip Greens."

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

**DISPOSITION:** May 2, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**9136. Adulteration of canned spinach. U. S. v. 298 Cases of Canned Spinach (and 1 other seizure action against canned spinach). Consent decree of condemnation. Product ordered released under bond.** (F. D. C. Nos. 15887, 15888. Sample Nos. 22025-H, 22915-H.)

**LIBELS FILED:** April 6, 1945, Eastern District of Missouri.

**ALLEGED SHIPMENT:** On or about January 29, 1945, by the Appleby-Young Canning Co., from Johnson, Ark.

**PRODUCT:** 495 cases, each containing 6 6-pound, 2-ounce cans, of spinach at St. Louis, Mo.

**LABEL, IN PART:** "Hiwasse Brand Spinach."

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

**DISPOSITION:** June 22, 1945. The Appleby-Young Canning Co., claimant, having admitted the allegations of the libels, and the cases having been consolidated, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

#### TOMATO PRODUCTS\*

**9137. Adulteration of tomato catsup. U. S. v. 147 Cases of Tomato Catsup. Default decree of condemnation and destruction.** (F. D. C. No. 15895. Sample No. 17350-H.)

**LIBEL FILED:** April 10, 1945, Eastern District of Wisconsin.

**ALLEGED SHIPMENT:** On or about November 16, 1944, by the Fettig Canning Corporation, from Elwood, Ind.

**PRODUCT:** 147 cases, each containing 24 14-ounce bottles, of tomato catsup, at Milwaukee, Wis.

**LABEL, IN PART:** (Bottle) "Vine Ripe Tomato Catsup Made From Fresh Ripe Tomatoes."

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

\*See also No. 9115.