

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the articles failed to bear a label containing an accurate statement of the quantity of the contents since the label statement "Drained Weight 3½ Ozs." was inaccurate. (Examination showed that the articles were short of the declared weight.)

DISPOSITION: May 29, 1952. Default decree of condemnation. The court ordered that the products be delivered to a charitable institution.

18628. Adulteration of canned sauerkraut. U. S. v. 96 Dozen Cans * * *
(F. D. C. No. 32853. Sample No. 8348-L.)

LIBEL FILED: March 8, 1952, Northern District of New York.

ALLEGED SHIPMENT: On or about February 17, 1950, from Indianapolis, Ind.

PRODUCT: Sauerkraut. 96 dozen 1-pound, 11-ounce cans of the product at Oswego, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of its chemical decomposition. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: April 18, 1952. Default decree of condemnation and destruction.

TOMATOES AND TOMATO PRODUCTS

18629. Adulteration and misbranding of canned tomatoes. U. S. v. 381 Cases * * *. (F. D. C. No. 32353. Sample No. 35277-L.)

LIBEL FILED: January 4, 1952, District of North Dakota.

ALLEGED SHIPMENT: On or about October 8, 1951, by the Westwood Canning Co., from New Castle, Ind.

PRODUCT: 381 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Fargo, N. Dak.

LABEL, IN PART: (Can) "Wizdom Tomatoes."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of fly eggs and maggots.

Misbranding, Section 403 (g) (2), the article purported to be and was represented as canned tomatoes, a food for which a definition and standard of identity has been prescribed by regulations; and its labeling failed to bear, as required by the regulations, the name of the optional ingredient, namely, calcium salt or calcium salts, present in the article.

DISPOSITION: April 17, 1952. Default decree of condemnation and destruction.

18630. Adulteration of tomato juice. U. S. v. 5 Cases, etc. (and 1 other seizure action). (F. D. C. Nos. 32597, 32598. Sample Nos. 33291-L, 33296-L.)

LIBELS FILED: January 16, 1952, Eastern District of Wisconsin.

ALLEGED SHIPMENT: On or about September 12 and 14, 1951, by the Bercut-Richards Packing Co., from Sacramento, Calif.

PRODUCT: 372 cases, each containing 48 5½-ounce cans, of tomato juice at Milwaukee, Wis.

LABEL, IN PART: (Can) "Sacramento Brand California Tomato Juice."

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