

**6513. Adulteration and misbranding of sauerkraut. U. S. \* \* \* v. Fifty Cases \* \* \* of \* \* \* Sauerkraut. Default decree of condemnation and forfeiture. (F. & D. No. 8810. I. S. No. 3355-p. S. No. E-981.)**

On February 25, 1918, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel for the seizure and condemnation of 50 cases, each containing 2 dozen cans of sauerkraut, at Washington, D. C., consigned on or about September 26, 1917, by W. E. Robinson & Co., alleging that the article was offered for sale in the District of Columbia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Highland Square Brand Sauer Kraut."

Adulteration of the article was alleged in the libel for the reason that a certain substance, to wit, brine, had been mixed and packed in excess, so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in whole or in part for the genuine article of food.

Misbranding of the article was alleged for the reason that the article was branded and labeled, "Sauerkraut," meaning thereby that the contents of said cases and cans consisted of sauerkraut containing a normal quantity of brine, whereas, in truth and in fact, said contents was not sauerkraut, containing a normal quantity of brine; and for the further reason that the statement, to wit, "Sauer Kraut," was false and misleading and deceived and misled the purchaser into the belief that it consisted of sauerkraut containing a normal quantity of brine, whereas, in truth and in fact, the product contained an excessive quantity of brine, to wit, an approximate average of 41.2 per cent.

On February 6, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the 34 cases and 14 cans of the product seized should be disposed of by the United States marshal in such manner as would not violate the provisions of the said act of Congress.

C. F. MARVIN, *Acting Secretary of Agriculture.*