

**VIOLATION CHARGED:** Misbranding, Section 403 (h) (1), the article was below standard.

**DISPOSITION:** June 15, 1944, Chippewa Canneries, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

**6149. Adulteration and misbranding of sauerkraut. U. S. v 16 Cases of Sauer Kraut. Default decree of condemnation and destruction. (F. D. C. No. 12246. Sample No. 67460-F.)**

**LIBEL FILED:** April 26, 1944, Northern District of Ohio.

**ALLEGED SHIPMENT:** On or about March 17, 1944, by the Mayfair Food Products Co., from Chicago, Ill.

**PRODUCT:** 16 cases, each containing 12 1-quart jars, of sauerkraut at Cleveland, Ohio.

**LABEL, IN PART:** "Mayfair Set Sauer Kraut."

**VIOLATIONS CHARGED:** Adulteration, Section 402 (b) (2), in that brine had been substituted in whole or in part for sauerkraut, which the article purported to be.

Misbranding, Section 403 (k), the article contained a chemical preservative, sulfur dioxide, and failed to bear labeling stating that fact.

**DISPOSITION:** June 15, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**6150. Adulteration and misbranding of canned sauerkraut. U. S. v. 428 Cases of Sauerkraut. Default decree of condemnation. Product ordered delivered to the National Zoological Park. (F. D. C. No. 12857. Sample No. 79281-F.)**

**LIBEL FILED:** July 3, 1944, District of Columbia.

**ALLEGED SHIPMENT:** On or about June 19, 1944, by the Kent Food Corporation, from Brooklyn, N. Y.

**PRODUCT:** 428 cases, each containing 6 No. 10 cans, of sauerkraut at Washington, D. C.

This product had a dark appearance and a bitter taste, and it contained  $\frac{4}{10}$  of 1 percent of benzoate of soda. The cans contained an excessive amount of brine. The drained weight of the sauerkraut ranged from 35.5 ounces to 77 ounces, whereas a can of the size used should have contained 80 ounces avoirdupois of drained sauerkraut.

**LABEL, IN PART:** (Cans) "Golden's No. 10 Sauerkraut \* \* \* Packed by Golden's Pickle Works, Inc. Brooklyn, N. Y.," or "Golden's \* \* \* Fancy Sauerkraut."

**VIOLATIONS CHARGED:** Adulteration, Section 402 (a) (3), the product was unfit for food; and, Section 402 (b) (2), brine had been substituted in part for sauerkraut, which the article was represented to be.

Misbranding, Section 403 (a), the statement " $\frac{1}{10}$  of 1% Benzoate of Soda" was false and misleading since the article contained 4 times this amount of benzoate of soda.

**DISPOSITION:** August 17, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to the National Zoological Park for its use only and not for sale.

**6151. Adulteration of canned mashed sweet potatoes. U. S. v. 119 Cases of Sweet Potatoes. Decree of condemnation. Product ordered released under bond for segregation and destruction of the unfit portion. (F. D. C. No. 12810. Sample Nos. 80503-F, 80504-F.)**

**LIBEL FILED:** June 26, 1944, Eastern District of Missouri.

**ALLEGED SHIPMENT:** On or about January 28, 1944, by Marion T. Fannaly, Inc., from Ponchatoula, La.

**PRODUCT:** 119 cases, each containing 24 cans, of mashed sweet potatoes at St. Louis, Mo.

**LABEL, IN PART:** "C. C. Brand Mashed Sweet Potatoes \* \* \* Packed by Colonial Cannery, Inc., Independence, La."

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

**DISPOSITION:** August 16, 1944. The Rosen Brokerage Co., St. Louis, Mo., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond for segregation and destruction of the unfit portion.

#### FROZEN VEGETABLES

**6152. Adulteration of frozen cut golden wax beans and green beans. U. S. v. 818 Cases of Frozen Cut Golden Wax Beans (and 1 other seizure action against frozen beans). Default decrees of condemnation and destruction. (F. D. C. Nos. 12315, 12689. Sample Nos. 73706-F, 73708-F, 73727-F, 73728-F.)**

**LIBELS FILED:** May 5 and June 14, 1944, Southern District of California.

**ALLEGED SHIPMENT:** On or about March 29, 1944, by the California Bank, from Webster, N. Y.

**PRODUCT:** 818 25-pound cases of frozen cut golden wax beans and 1,108 25-pound cases of frozen cut green beans, at Los Angeles, Calif.

**LABEL IN PART:** "Fresh Frozen Cut Golden Wax [or "Green"] Beans \* \* \* Southland Products Co. New York."

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

**DISPOSITION:** June 2, and August 8, 1944. No claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

**6153. Adulteration of frozen beans. U. S. v. 144 Cartons, 517 Cartons, and 206 Cartons of Frozen Beans. Default decree of condemnation and destruction. (F. D. C. No. 12906. Sample Nos. 68112-F, 68113-F, 68114-F.)**

**LIBEL FILED:** July 10, 1944, Northern District of Ohio.

**ALLEGED SHIPMENT:** On or about April 25, 1944, by the W. M. Storage Corporation, Wallington, N. Y.

**PRODUCT:** 659 25-pound cartons, 2 12½-pound cartons, and 206 12-pound cartons of frozen beans at Cleveland, Ohio.

**LABEL, IN PART:** (Cartons) "Fresh Frozen Cut Golden Wax Beans [or "Fresh Frozen Cut Green Beans Refugee," or "Fresh Frozen Whole Baby Green Beans Refugee"] \* \* \* Southland Products Co. New York."

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

**DISPOSITION:** August 14, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**6154. Adulteration of frozen cut wax beans. U. S. v. 261 Cases of Golden Wax Beans. Default decree of condemnation and destruction. (F. D. C. No. 12884. Sample No. 68115-F.)**

**LIBEL FILED:** July 7, 1944, Northern District of Ohio.

**ALLEGED SHIPMENT:** On or about May 2, 1944, by the William Edwards Co., Webster, N. Y.

**PRODUCT:** 261 cases, each containing 25 pounds, of frozen cut wax beans, at Cleveland, Ohio.

**LABEL, IN PART:** (Cases) "Fresh Frozen Cut Golden Wax Beans \* \* \* Southland Products Co. New York."

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

**DISPOSITION:** August 7, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**6155. Adulteration of frozen cut green beans. U. S. v. 294 Cartons of Frozen Cut Green Beans. Default decree of condemnation and destruction. (F. D. C. No. 12385. Sample No. 54462-F.)**

**LIBEL FILED:** May 24, 1944, Northern District of Indiana.

**ALLEGED SHIPMENT:** On or about October 23, 1943, by Okeena Canning Co., Dyersburg, Tenn.

**PRODUCT:** 294 cartons, each containing 25 pounds, of frozen cut green beans at Fort Wayne, Ind.

**LABEL, IN PART:** (Cartons) "Okeena Brand Fancy Fresh Frozen Cut Beans."