

PRODUCT: 774 cases, each containing 24 1-pound, 4-ounce cans, of peas at Lubbock, Tex.

LABEL, IN PART: (Cans) "Waubeka Brand Early June Peas."

VIOLATION CHARGED: Misbranding, Section 403 (h) (1), this product was below the standard prescribed by the regulations for such peas because of alcohol-insoluble solids in excess of 23.5 percent, and its label did not bear the sub-standard legend, as required by the regulations.

DISPOSITION: September 27, 1944. Fredonia Canned Foods, Inc., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

7149. Misbranding of canned peas. U. S. v. 21 Cases of Canned Peas. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 12298. Sample No. 62455-F.)

LABEL FILED: May 1, 1944, Southern District of Illinois.

ALLEGED SHIPMENT: On or about February 4, 1944, by Lucido Brothers Grocery Co., from St. Louis, Mo.

PRODUCT: 21 cases, each containing 24 1-pound, 4-ounce cans, of peas at Granite City, Ill.

LABEL, IN PART: (Cans) "Sav-on Brand * * * Early June Peas."

VIOLATION CHARGED: Misbranding, Section 403 (h) (1), this product was below standard.

DISPOSITION: July 1, 1944. No claimant having appeared, judgment of condemnation was entered, and the product was ordered delivered to a charitable institution.

7150. Misbranding of canned peas. U. S. v. 468 Cases of Canned Peas. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 12441. Sample No. 3989-F.)

LABEL FILED: On or about June 2, 1944, Western District of Missouri.

ALLEGED SHIPMENT: On or about October 19, 1943, by Plymouth Canning Co., from Plymouth, Ind.

PRODUCT: 468 cases, each containing 24 1-pound, 4-ounce cans, of peas at Kansas City, Mo.

LABEL, IN PART: (Cans) "Plymouth Brand Early June Peas."

VIOLATION CHARGED: Misbranding, Section 403 (h) (1), this product was below standard.

DISPOSITION: August 4, 1944. Plymouth Canning Co., claimant, having admitted the misbranding charged, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

7151. Adulteration and misbranding of sauerkraut. U. S. v. 24 Cases of Sauerkraut (and 2 other seizure actions against sauerkraut.) Decrees of condemnation. One lot ordered released under bond. One lot ordered delivered to a Federal institution, and remaining lot ordered destroyed. (F. D. C. Nos. 12757, 12854, 13684. Sample Nos. 71276-F, 71305-F, 75055-F.)

LABELS FILED: From on or about June 28 to September 14, 1944, District of Oregon and Western District of Washington.

ALLEGED SHIPMENT: From on or about May 12 to June 12, 1944, by Goldsmith Pickle Co., from Galewood, Ill.

PRODUCT: 1,300 cases at Portland, Oreg., and 152 cases at Tacoma, Wash., each case containing 12 quart jars of sauerkraut.

The product contained excessive brine, the jars in the 3 shipments averaging 18.9, 21.2, and 20.2 ounces, respectively, of drained kraut, whereas quart jars should contain at least 25 ounces of drained kraut. In the Portland lots the jars appeared to hold more kraut than was actually present because of the tendency of the kraut to disperse in the packing medium.

LABEL, IN PART: (Jars) "Champion Brand," or "Goldsmith Brand."

VIOLATIONS CHARGED: Adulteration (all lots), Section 402 (b) (2), brine had been substituted in part for sauerkraut.

Misbranding, Section 403 (d), (Portland lots) the containers were so filled as to be misleading.

DISPOSITION: July 13, 1944. Goldsmith Pickle Co., claimant for one of the Portland lots, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be repacked under the supervision of the Food & Drug Administration. September 25 and October 27, 1944. No claimant having appeared for the remaining lots, judgments of condemnation were entered; the Tacoma lot was ordered delivered to a Federal institution, and the other lot at Portland (24 cases) was ordered destroyed.

7152. Adulteration and misbranding of sauerkraut. U. S. v. 1,204 Cases and 115 Cases of Sauerkraut. Default decree of condemnation and destruction. (F. D. C. No. 12855. Sample No. 41495-F.)

LIBEL FILED: On or about July 4, 1944, Southern District of Texas.

ALLEGED SHIPMENT: On or about April 20, 1944, by Mayfair Food Products Co., from Chicago, Ill.

PRODUCT: 1,204 cases, each containing 12 24-ounce jars, and 115 cases, each containing 24 1-pint jars, of sauerkraut at Victoria, Tex.

LABEL, IN PART: (Jars) "Mayfair Set Sauer Kraut."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), brine had been substituted in part for sauerkraut, which the article purported and was represented to be.

Misbranding, Section 403 (d), the containers were so filled as to be misleading, since the 24-ounce jars were large enough to hold at least 50 percent more sauerkraut and the pint jars were large enough to hold at least 25 percent more sauerkraut than they actually contained, and the jars appeared to contain more kraut than was the case.

DISPOSITION: August 24, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

DRIED VEGETABLES

7153. Adulteration of dried beans. U. S. v. 130 Bags of Dried Beans. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 12640. Sample No. 72537-F.)

LIBEL FILED: June 9, 1944, Western District of Tennessee.

ALLEGED SHIPMENT: On or about November 16, 1943, from Morrill, Nebr.

PRODUCT: 130 100-pound bags of dried beans, in possession of M. Livingston & Co., Paris, Tenn.

The product was stored under insanitary conditions after shipment. The bags were rodent-cut and contained rodent excreta and urine stains. Examination showed that the product contained rodent excreta and rodent hairs.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: July 22, 1944. M. Livingston & Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed or denatured for animal feed, under the supervision of the Federal Security Agency.

7154. Adulteration of red kidney beans. U. S. v. 109 Sacks of Red Kidney Beans. Default decree of condemnation and destruction. (F. D. C. No. 12866. Sample No. 61718-F.)

LIBEL FILED: July 7, 1944, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about June 17, 1944, by Gulley Grocery Co., from Pascagoula, Miss.

PRODUCT: 109 100-pound sacks of red kidney beans at New Orleans, La.

LABEL, IN PART: "New York State Red Kidney Beans * * * Packed by Cooperative G. L. F. Farm Products, Inc., General Office Ithaca, N. Y."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance by reason of the presence of insect-infested and moldy beans.

DISPOSITION: August 25, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.