

7833. Adulteration of pickles. U. S. v. 100 Cases of Pickles (and 4 other seizure actions against pickles): Decrees of condemnation. Portion of product ordered released under bond; remainder ordered destroyed. (F. D. C. Nos. 13471, 13472, 13960 to 13962, incl. Sample Nos. 13652-F, 73696-F to 73698-F, incl., 73747-F, 73867-F to 73871-F, incl.)

LIBELS FILED: August 31 and October 13 and 14, 1944, Southern District of California.

ALLEGED SHIPMENT: On or about July 8 and 10, 1944, by the Berger Foods Co., from St. Louis, Mo.

PRODUCT: 100 cases, each containing 12 1-quart jars, of pickles at San Diego, Calif.; 851 cases, each containing 12 1-quart jars, and 81 cases, each containing 6 ½-gallon jars, of pickles at Los Angeles, Calif. Examination showed that the product had undergone spoilage.

LABEL, IN PART: "Bergers Sliced [or "Whole"] Fresh Kosher [or "Dill"] Pickles."

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

DISPOSITION: September 15 and 16, 1944. The Berger Foods Co., claimant for the 100 cases at San Diego and 545 cases at Los Angeles, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond for segregation of the fit portion from the unfit portion, under the supervision of the Food and Drug Administration. November 20, 21, and 25, 1944. No claimant having appeared for the remaining lots, judgments of condemnation were entered and the product was ordered destroyed.

7834. Adulteration and misbranding of sauerkraut. U. S. v. 150 Cases of Sauerkraut. Default decree of forfeiture and destruction. (F. D. C. No. 12844. Sample No. 61567-F.)

LIBEL FILED: July 3, 1944, Western District of Texas.

ALLEGED SHIPMENT: On or about April 12, 1944, by the Mayfair Food Products Co., Chicago, Ill.

PRODUCT: 150 cases, each containing 12 1-quart jars, of sauerkraut at Austin, 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 article's container was so filled as to be misleading since the jars containing the article were large enough to hold about 30 percent more sauerkraut, and they appeared to contain more kraut than they did.

DISPOSITION: February 1, 1945. No claimant having appeared, judgment of forfeiture was entered and the product was ordered destroyed.

7835. Adulteration and misbranding of sauerkraut. U. S. v. 15 Cases and 50 Cases of Sauerkraut. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 14608. Sample Nos. 83032-F, 83033-F.)

LIBEL FILED: On or about November 27, 1944, District of Connecticut.

ALLEGED SHIPMENT: On or about October 26 and 31, 1944, by the Union County Pickle Co., Inc., from Elizabeth, N. J.

PRODUCT: 15 cases, each containing 24 1-pint jars, and 50 cases, each containing 12 1-quart jars, of sauerkraut at New Haven, Conn.

LABEL, IN PART: (Jars) "Mother May's Sauerkraut * * * Packed by Mrs. Warner's Preserving Co., Elizabeth, N. J."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), sauerkraut containing an excessive amount of brine and vinegar had been substituted in whole or in part for sauerkraut containing a normal amount of packing medium.

Misbranding, Section 403 (d), the container was so filled as to be misleading since, because of the tendency of the sauerkraut to disperse in the liquid packing medium, the jars appeared to be filled, whereas the pint jars containing the article were large enough to hold at least 35 percent more sauerkraut, and the quart jars at least 45 percent more sauerkraut.