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.

DISPOSITION: February 14, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions, after removal of the labels.

7836. Adulteration and misbranding of sauerkraut. U. S. v. 60 Cases of Sauerkraut. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 14607. Sample No. 83031–F.)

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

ALLEGED SHIPMENT: On or about November 3, 1944, by the New Jersey Empire Pickle Works, Inc., from Newark, N. J.

PRODUCT: 60 cases, each containing 12 1-quart jars of sauerkraut at New Haven, Conn. Examination showed that the jars contained an average of 18.06 ounces avoirdupois of drained kraut and 15.15 ounces avoirdupois of liquid packing medium, consisting of brine and vinegar. This size jar should contain at least 25 ounces avoirdupois of drained kraut. The jars had the deceptive appearance of being completely filled with sauerkraut.

LABEL, IN PART: (Jar) "Boyd Brand Sauerkraut."

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

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 they were large enough to hold at least 35 percent more sauerkraut.

DISPOSITION: February 14, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions, after removal of the labels.

7837. Adulteration of canned spinach. U. S. v. 258 Cases of Canned Spinach. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14502. Sample No. 87379–F.)

LIBEL FILED: November 24, 1944, District of Minnesota.

ALLEGED SHIPMENT: On or about August 9, 1944, by the Hargis Canneries, Inc., from Fayetteville, Ark.

PRODUCT: 258 cases, each containing 6 6-pound, 2-ounce cans, of spinach at Minneapolis, Minn.

LABEL, IN PART: "Hargis Brand Spinach."

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

DISPOSITION: February 7, 1945. The Hargis Canneries, claimant, having admitted the material allegations of the libel with respect to a portion of the product, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the good cans be segregated from the bad, under the supervision of the Food and Drug Administration.

7838. Adulteration of canned spinach. U. S. v. 264 Cases and 125 Cases of Canned Spinach. Default decrees of condemnation and destruction. (F. D. C. Nos. 15015, 15016. Sample Nos. 90050–F, 90051–F.)

LIBEL FILED: January 22, 1945, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about August 28 and October 2, 1944, by the Clarksville Cooperative Canning Association, from Clarksville, Ark.

PRODUCT: 389 cases, each containing 24 cans, of spinach, at St. Louis, Mo.

LAREL, IN PART: "Home Town Brand Spinach," or "Coast Brand Spinach."

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

DISPOSITION: February 24 and 26, 1945. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

TOMATOES AND TOMATO PRODUCTS*

7839. Adulteration of canned tomatoes. U. S. v. 84 Cases of Canned Tomatoes. Default decree of condemnation. Product ordered segregated and the good portion donated to charity. (F. D. C. No. 13107. Sample No. 72569–F.)

LIBEL FILED: August 5, 1944, Western District of Tennessee.

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*See also No. 7824.