

PRODUCT: 398 cases, each containing 12 2-pound jars, of sauerkraut at Elmira, N. Y. These jars contained an average of 21.01 ounces. Jars of this size should contain 25 ounces of drained kraut.

LABEL, IN PART: "Scott Co. Sauerkraut."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance; and, Section 402 (b) (2), brine had been substituted in part for sauerkraut.

Misbranding, Section 403 (d), the container was so filled as to be misleading, since the jars appeared to contain more sauerkraut than was actually the case.

DISPOSITION: June 16, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8258. Adulteration of canned turnip greens. U. S. v. 156 Cases of Canned Turnip Greens. Default decree of condemnation and destruction. (F. D. C. No. 16047. Sample No. 2288-H.)

LIBEL FILED: May 5, 1945, Eastern District of North Carolina.

ALLEGED SHIPMENT: On or about November 16, 1944, by Taylor and Sledd, Inc., from Cheriton, Va.

PRODUCT: 156 cases, each containing 6 No. 10 cans, of turnip greens at Wilmington, N. C. Examination showed that the article was undergoing progressive spoilage.

LABEL, IN PART: "Pocahontas Brand * * * Turnip Greens Packed For H. P. Taylor Jr. Inc. Sole Distributors Richmond, Va."

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

DISPOSITION: June 18, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

TOMATOES AND TOMATO PRODUCTS

8259. Misbranding of canned tomatoes. U. S. v. 237 Cases of Canned Tomatoes. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 15969. Sample No. 22036-H.)

LIBEL FILED: April 28, 1945, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about November 17, 1944, by the Michie-McNeill Brokerage Co., from Memphis, Tenn.

PRODUCT: 237 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at St. Louis, Mo.

LABEL, IN PART: "Pride of Halls Tomatoes * * * Halls Canning Co. Halls, Tenn."

VIOLATION CHARGED: Misbranding, Section 403 (h) (1), the quality of the product fell below the standard for canned tomatoes because of the presence of excessive peel.

DISPOSITION: May 21, 1945. The Halls Canning Co., 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.

8260. Misbranding of canned tomatoes. U. S. v. 110 Cases of Canned Tomatoes. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 15939. Sample No. 22146-H.)

LIBEL FILED: April 20, 1945, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about December 28, 1944, by the General Warehouse Co., from Memphis, Tenn.

PRODUCT: 110 cases, each containing 24 cans, of tomatoes at St. Louis, Mo.

LABEL, IN PART: "Pride of Halls Tomatoes * * * Packed by Halls Canning Co., Halls, Tennessee."

VIOLATION CHARGED: Misbranding, Section 403 (h) (1), the product fell below the standard of quality for canned tomatoes prescribed by the regulations since it contained peel and blemishes per pound in excess of the maximum peel and blemishes permitted by the standard; and the label failed to bear, in such manner and form as the regulations specify, a statement that the product fell below the standard.

DISPOSITION: May 11, 1945. The Halls Canning Co., 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.

8261. Adulteration of tomato catsup. U. S. v. 75 Cartons of Tomato Catsup. Default decree of destruction. (F. D. C. No. 16290. Sample No. 2760-H.)

LIBEL FILED: May 24, 1945, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about December 11, 1944, by the S. J. Van Lill Co., from Baltimore, Md.

PRODUCT: 75 cartons, each containing 24 bottles, of tomato catsup at Blackstone, Va.

LABEL, IN PART: "Van Lill's Astoria Brand Pure Tomato Catsup."

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

DISPOSITION: June 12, 1945. No claimant having appeared, judgment was entered ordering that the product be destroyed.

8262. Adulteration of canned tomato paste. U. S. v. 25 Cases of Canned Tomato Paste. Default decree of condemnation and destruction. (F. D. C. No. 16121. Sample No. 29584-H.)

LIBEL FILED: May 7, 1945, District of Massachusetts.

ALLEGED SHIPMENT: On or about April 26, 1945, by the G. B. Celli Co., from Oakland, Calif.

PRODUCT: 25 cases, each containing 100 6-ounce cans, of tomato paste at Boston, Mass.

LABEL, IN PART: "Contadina Fancy Tomato Paste * * * Grown & Packed in California Hershel Cal. Fruit Prod. Co. San Jose, Calif."

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

DISPOSITION: June 25, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8263. Adulteration of canned tomato paste. U. S. v. 455 Cases of Canned Tomato Paste. Default decree of condemnation. Product ordered delivered to a Federal institution. (F. D. C. No. 16005. Sample No. 28472-H.)

LIBEL FILED: May 5, 1945, Western District of Washington.

ALLEGED SHIPMENT: On or about January 15, 1945, by Flotill Products, Inc., from Stockton, Calif.

PRODUCT: 455 cases, each containing 96 6-ounce cans, of tomato paste at Tacoma, Wash.

LABEL, IN PART: "Flotta Tomato Paste."

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

DISPOSITION: July 28, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a Federal institution.

8264. Adulteration of tomato paste. U. S. v. 497 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. D. C. No. 16118. Sample No. 29591-H.)

LIBEL FILED: May 12, 1945, Southern District of New York.

ALLEGED SHIPMENT: On or about April 17, 1945, by Western California Cannery, Inc., Oakland, Calif.

PRODUCT: 497 cases, each containing 6 6-pound, 13-ounce cans, of tomato paste at New York, N. Y.

LABEL, IN PART: "Pastene Fancy California Tomato Paste * * * Distributed by Pastene & Co., Inc. New York Boston Montreal.

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

DISPOSITION: July 11, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.