

DISPOSITION: August 20, 1945. No claimant having appeared for the Jacksonville lot, judgment of condemnation was entered and the product was ordered delivered to a public institution for the destruction of the pickles and the salvage of the containers. On November 13, 1945, the Sparks Pickle Co., claimant for the San Diego lot, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency. On March 6, 1946, the decree in the latter case was vacated by consent of the claimant, and the product was ordered destroyed.

8621. Misbranding of potatoes and onions. U. S. v. Henry G. Martin (Martin Produce Co.). Plea of nolo contendere. Fine, \$150. (F. D. C. No. 15587. Sample Nos. 69482-F, 85898-F, 86242-F.)

INFORMATION FILED: July 24, 1945, District of Colorado, against Henry G. Martin, trading as the Martin Produce Co., Greeley, Colo.

ALLEGED SHIPMENT: On or about November 9 and 10 and December 16, 1944, from the State of Colorado into the State of Texas.

LABEL, IN PART: (Sacks) "Martins * * * Leader Brand Onions 50 Lbs. Net," "Star Brand 100 Lbs. Net Western Grown Potatoes Mathews Produce Co. Greeley Colo.," or "Martin's Leader Potatoes 100 Lbs. Net."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the products failed to bear a label containing an accurate statement of the quantity of the contents since the sacks contained less than the declared weight.

DISPOSITION: October 9, 1945. A plea of nolo contendere having been entered by the defendant, a fine of \$50 on each count, a total fine of \$150, was imposed.

8622. Misbranding of canned sweet potatoes. U. S. v. 75 Cases of Canned Sweet Potatoes. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 15668. Sample No. 23741-H.)

LIBEL FILED: March 22, 1945, Southern District of Texas.

ALLEGED SHIPMENT: On or about November 4, 1944, by Evangeline Pepper and Food Products, from St. Martinville, La.

PRODUCT: 75 cases, each containing 24 1-pound, 13-ounce cans, of sweet potatoes at Houston, Tex.

LABEL, IN PART: "Bulliard's Evangeline Brand Candied Louisiana Yams Sweet Potatoes in Water."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement, "Candied Louisiana Yams," was false and misleading as applied to the product, which consisted of canned sweet potatoes in light sirup.

DISPOSITION: On or about September 7, 1945, Evangeline Pepper and Food Products, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

8623. Adulteration of sauerkraut. U. S. v. 363 Cases and 67 Cases of Sauer Kraut. Default decrees of condemnation and destruction. (F. D. C. Nos. 15872, 16415. Sample Nos. 18592-H, 20462-H.)

LIBELS FILED: On or about April 17 and June 6, 1945, District of Kansas and District of South Dakota.

ALLEGED SHIPMENT: On or about November 25, 1944, and March 10, 1945, by the Morgan Packing Co., from Austin, Ind.

PRODUCT: 363 cases and 67 cases, each containing 12 jars, of sauerkraut at Wichita, Kans., and Sioux Falls, S. Dak., respectively. One lot of this product was in a state of active fermentation and the other lot had undergone decomposition.

LABEL, IN PART: "Scott Co. Sauer Kraut."

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

DISPOSITION: July 9 and 10, 1945. No claimant having appeared, judgments of condemnation were entered, and the product was ordered destroyed.

8624. Adulteration of sauerkraut juice. U. S. v. 24 Cases of Sauerkraut Juice. Default decree of condemnation and destruction. (F. D. C. No. 16376. Sample No. 32000-H.)

LIBEL FILED: June 22, 1945, District of Arizona.

ALLEGED SHIPMENT: On or about May 9, 1945, by the Jefferson Manufacturing Co., from Los Angeles, Calif.

PRODUCT: 24 cases, each containing 24 12-ounce bottles, of sauerkraut juice at Phoenix, Ariz. Examination showed that the product had undergone fermentation.

LABEL, IN PART: (Bottles) "Supreme Brand Sauerkraut Juice From Selected White Cabbage."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: September 12, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8625. Adulteration of spinach. U. S. v. 150 Cases and 8 Cases of Spinach. Consent decree of condemnation and destruction. (F. D. C. No. 16954. Sample Nos. 26744-H, 26745-H.)

LIBEL FILED: August 2, 1945, District of Colorado.

ALLEGED SHIPMENT: On or about January 22, 1945, by the Deck Brothers Produce Co., from Springfield, Mo.

PRODUCT: 150 cases, each containing 6 cans, and 8 cases, each containing 24 cans, of spinach at Colorado Springs, Colo.

LABEL, IN PART: "May-Flower Brand Spinach Contents 6 Pounds Distributed by Marshall Canning Co. Marshalltown, Iowa," or "Mayflower [or "Staff-O-Life"] Brand Spinach Contents 1 Lb. 2 Oz."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: September 4, 1945. The Deck Brothers Produce Co. having executed an acceptance of service and authorization for taking of final decree, judgment of condemnation was entered and the product was ordered destroyed.

8626. Adulteration of vinegar. U. S. v. 1 Barrel and 2 Barrels of Vinegar. Default decrees of condemnation and destruction. (F. D. C. Nos. 16183, 16252. Sample Nos. 17936-H, 18021-H.)

LIBELS FILED: May 23 and June 5, 1945, Northern District of Illinois.

ALLEGED SHIPMENT: On or about October 25 and December 5, 1944, by Galvanoni & Nevy Bros., Inc., from New York, N. Y.

PRODUCT: 1 34-gallon barrel and 2 50-gallon barrels of vinegar at Chicago, Ill.

LABEL, IN PART: (Portion) "Red Wine Vinegar." The remainder of the product was unlabeled but was invoiced as "Wine Vinegar."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), an artificially colored mixture of wine vinegar and acetic acid, or distilled vinegar, in the 2-barrel lot, and an artificially colored distilled vinegar, or diluted acetic acid, containing little or no wine vinegar, in the 1-barrel lot, had been substituted in whole or in part for wine vinegar; and, Section 402 (b) (4), artificial coloring had been added to the product or mixed or packed with it so as to make it appear better or of greater value than it was.

DISPOSITION: September 14 and November 7, 1945. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

8627. Adulteration and misbranding of wine vinegar. U. S. v. 18 Cases of Wine Vinegar. Default decree of condemnation and destruction. (F. D. C. No. 16238. Sample No. 18022-H.)

LIBEL FILED: On or about June 11, 1945, Northern District of Illinois.

ALLEGED SHIPMENT: On or about July 31, 1944, by A. Bertola and Co., from New York, N. Y.

PRODUCT: 18 cases, each containing 24 1-pint bottles of wine vinegar at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), an artificially colored mixture of wine vinegar and distilled vinegar, or acetic acid, had been substituted in whole or in part for wine vinegar, which the article was represented to be; and, Section 402 (b) (4), artificial coloring had been added to the article and mixed and packed with it so as to make it appear better or of greater value than it was.

Misbranding, Section 403 (a), the label statement, "Wine Vinegar," was false and misleading.

DISPOSITION: October 22, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.