PRODUCT: 2,100 5-ounce cans of strained peas at Minneapolis, Minn., and 194 dozen cans of the same product at Pittsburgh, Pa. Examination showed that the article was short-weight.

LABEL, IN PART: "Clapp's Strained Peas [or "Strained Baby Foods Strained Peas"] * * * Net Weight 5 Oz."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: March 29 and April 20, 1945. The owner of a portion of the product having consented to the entry of a decree, judgment was entered ordering it delivered to charitable institutions. No claimant having appeared for the remainder of the product, judgment of condemnation was entered and it was ordered destroyed. On April 4, 1945, the destruction order was rescinded and the product was ordered delivered to charitable institutions.

8949. Misbranding of potatoes. U. S. v. Bryce Osborne. Plea of guilty. Fine, $50. (F. D. C. No. 11398. Sample No. 42944–F.)

INFORMATION FILED: April 26, 1944, Southern District of California, against Bryce Osborne, Wasco, Calif.

ALLEGED SHIPMENT: On or about June 30, 1943, from the State of California into the State of Washington.

LABEL, IN PART: "California Grown Potatoes 100 Lbs. Net."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "100 Lbs. Net" was false and misleading since the sacks contained a smaller amount; and, Section 403 (e) (2), the label of the article failed to bear an accurate statement of the quantity of the contents.

DISPOSITION: May 15, 1944. The defendant having entered a plea of guilty, the court imposed a fine of $50.

8950. Misbranding of potatoes. U. S. v. 500 Bags of Potatoes. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 15687. Sample No. 26836–H.)

LIBEL FILED: March 26, 1945, District of Nebraska.

ALLEGED SHIPMENT: On or about March 17, 1945, by the Lucerne Potato Growers Cooperative Association, from Lucerne, Colo.

PRODUCT: 500 bags of potatoes at Omaha, Nebr. Examination disclosed that the product was short-weight.

LABEL, IN PART: "Star Brand Potatoes 100 lbs. Net Sold by Colorado Potato Growers Exchange Denver Colo."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: March 31, 1945. The Lucerne Potato Growers Cooperative Association, claimant, having admitted that the product was misbranded, judgment of condemnation was entered and the product was ordered released under bond to be resacked under the supervision of the Food and Drug Administration.

8951. Adulteration and misbranding of sauerkraut. U. S. v. 113 Cases of Sauerkraut. Default decree of condemnation and destruction. (F. D. C. No. 15717. Sample Nos. 6093–H, 6095–H.)

LIBEL FILED: On or about March 29, 1945, District of New Jersey.

ALLEGED SHIPMENT: On or about January 29 and February 10, 1945, by the Cosmo Packing Co., from Bronx, N. Y.

PRODUCT: 113 cases, each containing 12 jars, of sauerkraut at Jersey City, N. J. Examination showed that the jars contained an excessive amount of liquid packing medium and an average of 16.37 ounces of drained sauerkraut instead of the minimum of 25 ounces that such size jars should contain.

LABEL, IN PART: "Delta Finest Quality Sauerkraut Contents 1 Quart."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), cabbage, salt, vinegar, and water had been substituted for sauerkraut, which the article was represented to be.

Misbranding, Section 403 (d), the container of the product was so filled as to be misleading since, because of the tendency of sauerkraut to disperse in the