9571. Adulteration of frozen peas. U. S. v. 83 Cartons of Frozen Peas. Default decree of condemnation and destruction. (F. D. C. No. 19126. Sample No. 46800–H.)

LIBEL FILED: February 13, 1946, Northern District of California.

ALLEGED SHIPMENT: On or about January 11, 1946, by the Pacific Frozen Foods Co., from Seattle, Wash.

PRODUCT: 83 cartons, each containing 20 pounds, of frozen peas at San Francisco, Calif. Examination showed that the product was sour and fermented.

LABEL, IN PART: "Packed By Evans Cannery 504 14th Street, Longview, Washington Peas."

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

DISPOSITION: March 19, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

9572. Adulteration of chick peas. U. S. v. 29 Bags of Chick Peas. Default decree of condemnation and destruction. (F. D. C. No. 18269. Sample No. 5012–H.)

LIBEL FILED: October 31, 1945, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about November 16, 1943, by M. and J. B. Kellam Co., from Binghamton, N. Y.

PRODUCT: 29 110-pound bags of chick peas at Philadelphia, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of weevils and weevil-damaged peas.

DISPOSITION: January 3, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

9573. Adulteration of sauerkraut. U. S. v. 97 Cases of Sauerkraut. Default decree of condemnation and destruction. (F. D. C. No. 18801. Sample No. 19528–H.)

LIBEL FILED: January 4, 1946, District of South Dakota.

ALLEGED SHIPMENT: On or about February 28, 1945, by the Goldsmith Pickle Co., from Chicago, Ill.

PRODUCT: 97 cases, each containing 12 1-quart jars, of sauerkraut at Sioux Falls, S. Dak.

LABEL, IN PART: "Goldsmith Brand Bulk Style Sauerkraut."

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

DISPOSITION: February 5, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

9574. Adulteration and misbranding of sauerkraut. U. S. v. 198 Cases of Sauerkraut. Consent decree of condemnation. Fit portion of product ordered delivered to a charitable institution; remainder ordered destroyed. (F. D. C. No. 17548. Sample Nos. 26286–H, 47072–H.)

LIBEL FILED: On or about March 5, 1946, District of Colorado.

ALLEGED SHIPMENT: On or about December 21, 1945, by the W. B. Schneider Pickle and Vinegar Co., from Kansas City, Mo.

PRODUCT: 198 cases, each containing 12 2-pound jars, of sauerkraut at Denver, Colo. The jars contained an average of 19.82 ounces of drained kraut. Jars of this size should contain at least 25 ounces of drained kraut.

LABEL, IN PART: "Schneider's Superior Fancy Old Fashioned Wisconsin Sauer Kraut."

NATURE OF CHARGE: Adulteration, Section 403 (b) (2), brine had been substituted in whole or in part for sauerkraut.

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

DISPOSITION: April 26, 1946. The shipper having consented to the entry of a decree, judgment of condemnation was entered. A small portion of the product having been found to be in an active state of fermentation, that portion was ordered destroyed. The remainder of the sauerkraut was ordered distributed among several charitable institutions.