

**6097. Adulteration and misbranding of sauerkraut. U. S. \* \* \* v. 1,000 Cases of Sauerkraut. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 8836. I. S. Nos. 2379-p, 3007-p. S. No. E-982.)**

On February 27, 1918, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1,000 cases of sauerkraut, consigned by the Thomas Canning Co., Grand Rapids, Mich., remaining unsold in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped on or about January 8, 1918, and transported from the State of Michigan into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Iona Brand Sauerkraut."

Adulteration of the article was alleged in the libel for the reason that excessive brine had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the article.

Misbranding was alleged in substance for the reason that the labels of the retail packages of the article bore the statement, "Sauerkraut," regarding the article and the ingredients and substances contained therein, which was false and misleading in that it indicated to the purchaser that the packages contained sauerkraut containing a normal quantity of brine, whereas said product contained an excessive quantity of brine.

On March 28, 1918, the said Thomas Canning Co., claimant, having filed an answer to the libel, praying possession of the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant on the payment of the costs of the proceedings and execution of a bond in the sum of \$3,250, in conformity with section 10 of the act.

CARL VROOMAN, *Acting Secretary of Agriculture.*