

Grove Canning Co. from St. Martinville, La.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance rendering it unfit for human consumption. The article was labeled in part: "Pine Grove Brand Cut Okra," "Creole Maid Brand Cut Okra" or "Gulf Bend Brand Cut Okra."

Between April 3 and August 11, 1943, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed. On August 11, 1943, the decree entered in the case covering the lot located at Fort Worth, Tex., was amended providing for the use of the product as hog feed.

**5037. Adulteration of sauerkraut. U. S. v. 1,500 Cases of Sauerkraut (and 2 additional seizure actions against sauerkraut). Consent decrees of condemnation. Product ordered released under bond for reconditioning or relabeling.** (F. D. C. Nos. 9132, 9709, 9817. Sample Nos. 24165-F, 24179-F, 30961-F, 31131-F.)

Between January 5 and April 19, 1943, the United States attorneys for the District of Columbia, the Western District of Washington, and the District of Oregon filed libels against 1,500 cases, each containing 12 jars, of sauerkraut at Washington, D. C., 170 cases of sauerkraut at Seattle, Wash., and 690 cases of sauerkraut at Portland, Oreg., alleging that the article had been shipped in interstate commerce within the period from on or about December 20, 1942, to January 15, 1943, by the Goldsmith Pickle Co. from Chicago, Ill.; and charging that it was adulterated in that brine had been substituted wholly or in part for sauerkraut, which the article purported and was represented to be. The article was labeled in part: (Jars) "Goldsmith Brand Sauerkraut," or "Champion Brand \* \* \* Packed By Western Pickle Co., Chicago, Ill."

Between January 18 and June 8, 1943, the following claimants having appeared: The Goldsmith Pickle Co. for the lot at Washington, D. C., the Western Pickle Co., for the lot Seattle, Wash., and Wadhams & Co., Portland, Oreg., for the lot at Portland, Oreg., and all three claimants having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond for reconditioning by repacking or relabeling, under the supervision of the Food and Drug Administration.

**5038. Misbranding of canned peas. U. S. v. 412 Cases of Canned Peas (and 5 additional seizure actions against canned peas.) Decrees of condemnation with provision for release under bond for relabeling.** (F. D. C. Nos. 8370, 8391, 8392, 8841, 8859, 9112, Sample Nos. 2721-F, 4373-F, 4387-F, 4762-F, 4763-F, 32001-F.)

On or about September 16 and 22, November 7, 1942, and January 2, 1943, the United States attorneys for the Western District of Missouri, the Eastern and Western Districts of Kentucky, and the Eastern and Middle Districts of Tennessee filed libels against 412 cases of canned peas at North Kansas City, Mo., 1,582½ cases at Louisville, Ky., 277 cases at East Bernstadt, Ky., 127 cases at Lafayette, Tenn., and 131 cases at Clarksville, Tenn., alleging that the article had been shipped in interstate commerce within the period from on or about July 22 to August 26, 1942, by the Morgan Packing Co. from Franklin and Austin, Ind.; and charging that it was misbranded. The article was labeled in part: (Cans) "Scott Co. [or "American Beauty," or "Royal Crown"] Garden Run Early June Peas," or "Leota Belle \* \* \* Early June Peas \* \* \* Packed by Franklin Packing Co. Franklin, Ind."

It was alleged to be misbranded in that it purported to be and was represented as a food for which a standard of quality had been prescribed by regulation as provided by law, but its quality fell below such standard and its label failed to bear, in such manner and form as the regulations specify, a statement that it fell below the standard.

The Morgan Packing Co. appeared as claimant in each action and admitted the allegations of the libels. On November 5, 1942, decrees were entered in the Western District of Kentucky ordering the release, for relabeling in compliance with the law, of the product seized at Louisville. On November 19 and 20, and December 14, 1942, and January 21, 1943, judgments of condemnation were entered in the remaining actions and the product was ordered released under bond, conditioned that it be relabeled.

**5039. Misbranding of canned peas. U. S. v. 251 Cases of Canned Peas. Consent decree of condemnation. Product ordered released under bond for relabeling.** (F. D. C. No. 9521. Sample No. 36899-F.)

On March 9, 1943, the United States attorney for the District of Baltimore filed a libel against 251 cases, each containing 24 cans, of peas at Frederick, Md., alleging that the article had been shipped in interstate commerce on or about June 30 and August 18, 1942, by Burgoon & Yingling from Gettysburg, Pa.; and charging that it was misbranded. The article was labeled in part: (Cans) "National Park Brand No. 4-Sieve Early June Peas."

It was alleged to be misbranded (1) in that it purported to be and was represented as a food for which a standard of quality had been prescribed by regulation promulgated pursuant to law, but its quality fell below such standard since the article was a smooth skin variety of peas and the alcohol-insoluble solids of the peas in the container were more than 23.5 percent, the maximum permitted by such regulation; and (2) its label failed to bear, in such manner and form as the regulation specify, a statement that it fell below such standard.

On May 19, 1943, D. C. Winebrenner & Son of Frederick, Md., having appeared as claimant and 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.

#### MISCELLANEOUS VEGETABLES

**5040. Adulteration of sweet relish and pepper relish. U. S. v. 24 Cases and 191 Cases of Sweet Relish and 14½ Cases and 72 Cases of Pepper Relish. Default decree of condemnation and destruction. (F. D. C. Nos. 9142, 9143. Sample Nos. 10792-F to 10795-F, incl.)**

On January 11, 1942, the United States attorney for the Northern District of California filed a libel against 215 cases of sweet relish and 86½ cases of pepper relish at San Francisco, Calif., alleging that the articles had been shipped in interstate commerce on or about October 30, 1942, by B. F. Trappey's Sons, Inc., from New Iberia, La.; and charging that they were adulterated in that they consisted in whole or in part of filthy substances, insect fragments and rodent hairs, and in that they had been prepared under insanitary conditions whereby they might have become contaminated with filth.

On February 25, 1943, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

**5041. Adulteration of red peppers. U. S. v. 88 Bags of Red Peppers. Consent decree of condemnation. Product ordered released under bond to be brought into compliance with the law or destroyed. (F. D. C. No. 9442. Sample No. 5788-F.)**

This product had been stored under insanitary conditions after shipment in interstate commerce. Extensive rodent contamination was apparent throughout the entire lot. Rodent pellets were found on and between the bags and in the rodent-gnawed sacks, and most of the sacks had been cut by rodents. Examination showed the presence of rodent excreta, rodent hairs, insect- or rodent-damaged and moldy peppers.

On February 25, 1943, the United States attorney for the Eastern District of Missouri filed a libel against 88 bags of red peppers in the possession of David G. Evans Coffee Co., alleging that the article had been shipped in interstate commerce on or about September 22, 1942, from Florence, S. C.; and charging that it was adulterated in that it consisted wholly or in part of filthy and decomposed substances, and in that it had been held under insanitary conditions whereby it may have become contaminated with filth.

On March 20, 1943, the David G. Evans Coffee Co. having appeared as claimant and having admitted the allegations of the libel and 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 or destroyed, under the supervision of the Food and Drug Administration.

**5042. Adulteration and misbranding of dehydrated onion and garlic. U. S. v. 18½ Cases of Dehydrated Onion and 18½ Cases of Dehydrated Garlic. Default decree of condemnation and destruction. (F. D. C. No. 9025. Sample Nos. 18833-F, 18834-F.)**

On December 21, 1942, the United States attorney for the District of New Jersey filed a libel against 18½ cases of dehydrated onion and 18½ cases of dehydrated garlic at Newark, N. J., alleging that the articles had been shipped on or about December 2, 1942, by C. F. Matilage Sales Co. from New York, N. Y.; and charging that they were adulterated and misbranded. The articles were labeled in part: "Dehydrated Onion [or "Garlic"] Matilage Brand."

The articles were alleged to be adulterated in that dehydrated onion and dehydrated garlic, both containing 50 percent of oatmeal, had been substituted for dehydrated onion and dehydrated garlic, respectively, which they purported to be, and in that oatmeal had been added to the articles and mixed and packed therewith so as to increase their bulk and weight and reduce their quality and strength, or make them appear better and of greater value than they were.

The articles were alleged to be misbranded in that the statements appearing on the labeling, "Dehydrated Onion \* \* \* A Dry Granulated Concentration of Onion \* \* \* Real Onion in Concentrated Form" and "Dehydrated Garlic \* \* \* A Dry Granulated Concentration of Garlic \* \* \* Real Garlic in Concentrated Form," were false