

On April 19, 1943, the United States attorney for the District of Oregon filed a libel against 208 cases, each containing 12 jars, of sauerkraut at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about February 10, 1943, by the Berger Foods Co., from St. Louis, Mo.; and charging that it was adulterated in that brine had been substituted wholly or in part for sauerkraut. The article was labeled in part: (Jars) "Cardinal Brand Fancy Sauerkraut."

On June 14, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5229. Adulteration of canned spinach. U. S. v. 168 Cases of Canned Spinach. Default decree of condemnation and destruction. (F. D. C. No. 9825. Sample No. 37959-F.)

On April 22, 1943, the United States attorney for the Northern District of Illinois filed a libel against 168 cases of canned spinach at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about February 23, 1943, by the Russellville Canning Co. from Russellville, Ark.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On June 17, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5230. Adulteration of canned spinach. U. S. v. 1,828 Cases of Canned Spinach. Portion of product condemned and ordered destroyed. Remainder ordered released to claimant. (F. D. C. No. 9046. Sample No. 28920-F.)

On December 19, 1942, the United States attorney for the Northern District of Georgia filed a libel against 1,828 cases of canned spinach at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about November 17 and 19, 1942, by the H. J. McGrath Co. from Baltimore, Md.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, larvae. The article was labeled in part: (Cans) "McGrath's Champion Brand Spinach."

On June 17, 1943, the H. J. McGrath Co., having appeared as claimant, judgment of condemnation was entered with respect to two of the lots bearing certain code numbers and they were ordered destroyed. The third lot, bearing a different code number, was ordered released after segregation by the claimant and inspection and approval by the Food and Drug Administration.

5231. Adulteration of canned turnip greens. U. S. v. Wallace C. Bohannon (W. C. Bohannon Canning Co.). Plea of guilty. Fine, \$250. (F. D. C. No. 9640. Sample No. 9630-F.)

On June 1, 1943, the United States attorney for the Southern District of Texas filed an information against Wallace C. Bohannon, trading under the firm name, W. C. Bohannon Canning Co., at Mission, Tex., alleging shipment on or about November 24, 1942, from the State of Texas into the State of Alabama of a quantity of canned turnip greens that were adulterated in that they consisted in whole or in part of filthy substances, insects and insect larvae. The article was labeled in part: "Valley Rose Brand * * * Turnip Greens."

On June 26, 1943, the defendant having entered a plea of guilty, the court imposed a fine of \$250.

MISCELLANEOUS VEGETABLE PRODUCTS

5232. Adulteration of dried mushrooms. U. S. v. 15 Cases, 25 Cases, and 5 Cartons of Dried Mushrooms. Decrees of condemnation. Portion of product ordered released under bond for removal of all objectionable matter; remainder ordered destroyed. (F. D. C. Nos. 9741, 10015. Sample Nos. 15142-F, 44206-F, 44207-F.)

On April 2 and May 24, 1943, the United States attorneys for the Eastern District of New York and the Southern District of California filed libels against 15 cases and 5 cartons of dried mushrooms at Ozone Park, N. Y., and 25 cases of dried mushrooms at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce within the period from on or about October 9, 1942, to April 29, 1943, by Sokol & Co. from Chicago, Ill.; and charging that it was adulterated in that it consisted in whole or in part of filthy substances, 40 cases showing contamination by insects and rodents, and 5 cartons showing insect contamination. The article was labeled in part: "Shield Brand [or "Solo Fancy"] Dried Mushrooms. * * * Solo Products Co., Chicago."

On June 26, 1943, no claimant having appeared for the lot at Los Angeles, Calif., judgment of condemnation was entered and the product was ordered

destroyed. On August 23, 1943, Sokol & Co., claimant for the lots located at Ozone Park, N. Y., having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for segregating the fit portion from the unfit portion and destroying the latter, or sifting, air-blowing, or otherwise treating it so as to remove all objectionable matter, under the supervision of the Food and Drug Administration.

5233. Adulteration of vegetable cocktail. U. S. v. 12 Cases of Vegetable Cocktail. Default decree of condemnation and destruction. (F. D. C. No. 9944. Sample No. 13307-F.)

Examination showed this product to be undergoing chemical decomposition.

On May 17, 1943, the United States attorney for the District of Montana filed a libel against 12 cases, each containing 12 cans, of vegetable cocktail at Missoula, Mont., alleging that the article had been shipped in interstate commerce on or about June 5, 1941, by the Modern Marketing Service from Alameda, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Here's Health Brand Vegetable Cocktail * * * Packed by Barron-Gray Packing Co., San Jose, Calif."

On June 23, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5234. Misbranding of vegetable relish. U. S. v. 398 Cases of Vegetable Relish. Decree of condemnation. Product released under bond for relabeling. (F. D. C. No. 9810. Sample No. 28487-F.)

This product was short of the declared weight and volume.

On April 17, 1943, the United States attorney for the Western District of South Carolina filed a libel against 398 cases, each containing 12 jars, of vegetable relish at Spartanburg, S. C., alleging that the article had been shipped in interstate commerce on or about February 22, 1943, by Helwig & Leitch, Inc., from Baltimore, Md.; and charging that it was misbranded. The article was labeled in part: (Jars) "Lord Baltimore Contents 1 Quart Vegetable Relish A Chow Chow Packed By Tidewater Pickle Co. West Point, Va." Some of the labels had "1½ Lb." stamped under "1 Quart."

The article was alleged to be misbranded in that the statements "Contents 1 Quart" and "1½ Lb." were false and misleading as applied to an article that was short-volume and short-weight, and in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

On May 10, 1943, Helwig & Leitch, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for refilling or relabeling under the supervision of the Food and Drug Administration. The product was relabeled "1¼ Lbs. Net Weight."

TOMATOES AND TOMATO PRODUCTS

5235. Misbranding of canned tomatoes. U. S. v. 560 Cases of Canned Tomatoes. Decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 9842. Sample Nos. 30978-F, 30980-F.)

On May 1, 1943, the United States attorney for the Western District of Washington filed a libel against 560 cases, each containing 6 No. 10 cans, of tomatoes at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about February 24, 1943, by Ensher, Alexander & Barsoom, Inc., from Isleton, Calif.; and charging that it was misbranded. The article was labeled in part: (Cans) "Zuyder Zee Tomatoes."

The article 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 regulations promulgated pursuant to law and its quality fell below such standard since the drained weight of the contents of the container, as determined by the method prescribed in the standard, was less than the drained weight required by the standard; and (2) its label failed to bear, in such manner and form as the regulations specify, a statement that it fell below such standard.

On June 21, 1943, the American Wholesale Grocery Co. of Seattle, Wash., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.