

VIOLATION CHARGED: Misbranding, Section 403 (h) (1), the article was below standard.

DISPOSITION: June 15, 1944, Chippewa Canneries, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

6149. Adulteration and misbranding of sauerkraut. U. S. v 16 Cases of Sauer Kraut. Default decree of condemnation and destruction. (F. D. C. No. 12246. Sample No. 67460-F.)

LIBEL FILED: April 26, 1944, Northern District of Ohio.

ALLEGED SHIPMENT: On or about March 17, 1944, by the Mayfair Food Products Co., from Chicago, Ill.

PRODUCT: 16 cases, each containing 12 1-quart jars, of sauerkraut at Cleveland, Ohio.

LABEL, IN PART: "Mayfair Set Sauer Kraut."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), in that brine had been substituted in whole or in part for sauerkraut, which the article purported to be.

Misbranding, Section 403 (k), the article contained a chemical preservative, sulfur dioxide, and failed to bear labeling stating that fact.

DISPOSITION: June 15, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6150. Adulteration and misbranding of canned sauerkraut. U. S. v. 428 Cases of Sauerkraut. Default decree of condemnation. Product ordered delivered to the National Zoological Park. (F. D. C. No. 12857. Sample No. 79281-F.)

LIBEL FILED: July 3, 1944, District of Columbia.

ALLEGED SHIPMENT: On or about June 19, 1944, by the Kent Food Corporation, from Brooklyn, N. Y.

PRODUCT: 428 cases, each containing 6 No. 10 cans, of sauerkraut at Washington, D. C.

This product had a dark appearance and a bitter taste, and it contained $\frac{4}{10}$ of 1 percent of benzoate of soda. The cans contained an excessive amount of brine. The drained weight of the sauerkraut ranged from 35.5 ounces to 77 ounces, whereas a can of the size used should have contained 80 ounces avoirdupois of drained sauerkraut.

LABEL, IN PART: (Cans) "Golden's No. 10 Sauerkraut * * * Packed by Golden's Pickle Works, Inc. Brooklyn, N. Y.," or "Golden's * * * Fancy Sauerkraut."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product was unfit for food; and, Section 402 (b) (2), brine had been substituted in part for sauerkraut, which the article was represented to be.

Misbranding, Section 403 (a), the statement " $\frac{1}{10}$ of 1% Benzoate of Soda" was false and misleading since the article contained 4 times this amount of benzoate of soda.

DISPOSITION: August 17, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to the National Zoological Park for its use only and not for sale.

6151. Adulteration of canned mashed sweet potatoes. U. S. v. 119 Cases of Sweet Potatoes. Decree of condemnation. Product ordered released under bond for segregation and destruction of the unfit portion. (F. D. C. No. 12810. Sample Nos. 80503-F, 80504-F.)

LIBEL FILED: June 26, 1944, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about January 28, 1944, by Marion T. Fannaly, Inc., from Ponchatoula, La.

PRODUCT: 119 cases, each containing 24 cans, of mashed sweet potatoes at St. Louis, Mo.

LABEL, IN PART: "C. C. Brand Mashed Sweet Potatoes * * * Packed by Colonial Cannery, Inc., Independence, La."

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