

7319. Misbranding of potatoes. U. S. v. 276 Bags of Potatoes. Consent decree of condemnation. Product ordered released under bond to be resacked. (F. D. C. No. 13422. Sample No. 72930-F.)

LIBEL FILED: August 28, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: On or about August 7, 1944, by W. E. McGillvray from Holt, Calif.

PRODUCT: 276 bags of potatoes at Chicago, Ill.

Examination showed that the article was short-weight.

LABEL, IN PART: "Delta Byron Tract Potatoes 100 lbs. net weight."

VIOLATION CHARGED: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents, since the label statement "100 lbs. net weight" was inaccurate.

DISPOSITION: September 1, 1944. Ira I. Fisher, Inc., Chicago, Ill., claimant, having admitted the facts in the libel, judgment of condemnation was entered and the product was ordered released under bond to be resacked to the declared weight, under the supervision of the Food and Drug Administration.

7320. Adulteration of canned sauerkraut. U. S. v. 1,782 Jars of Sauerkraut. Default decree of condemnation and destruction. (F. D. C. No. 12398. Sample No. 73303-F.)

LIBEL FILED: May 17, 1944, Northern District of California.

ALLEGED SHIPMENT: On or about June 7, 1943, by the Goldsmith Pickle Co., from Chicago, Ill.

PRODUCT: 1,782 quart jars of sauerkraut, in cartons containing from 6 to 15 jars each, at San Francisco, Calif.

LABEL, IN PART: (Jars) "Goldsmith Brand Sauerkraut."

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

DISPOSITION: January 11, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7321. Adulteration of canned spinach. U. S. v. 24 Cases of Canned Spinach. Default decree of condemnation and destruction. (F. D. C. No. 12929. Sample No. 69314-F.)

LIBEL FILED: July 15, 1944, District of Montana.

ALLEGED SHIPMENT: On or about January 31, 1944, by the Meyer Canning Co., from Edinburg, Tex.

PRODUCT: 24 cases, each containing 24 1-pound, 2-ounce cans, of spinach at Billings, Mont.

LABEL, IN PART: (Cans) "Gold Inn Brand Spinach."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the article was unfit for food by reason of the presence of sand and dirt; and, Section 402 (b) (4), sand and dirt had been mixed and packed therewith so as to reduce its quality.

DISPOSITION: September 6, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

TOMATOES AND TOMATO PRODUCTS

7322. Adulteration of canned tomatoes. U. S. v. 280 Cases, 590 Cases, and 85 Cases of Canned Tomatoes. Decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 14490 to 14492, incl. Sample Nos. 89881-F, 89884-F, 89889-F.)

LIBELS FILED: November 20, 1944, Southern District of Mississippi; and November 18 and 22, 1944, Northern District of Mississippi.

ALLEGED SHIPMENT: Between on or about September 4 and 25, 1944, by the George F. Porbeck Co., from Little Rock, Ark.

PRODUCT: Canned tomatoes: 280 cases, each containing 24 cans, at Greenville, Miss., and 675 cases, each containing 24 cans, at Greenwood, Miss.

This product was undergoing active decomposition.

LABEL, IN PART: "Contents 1 Lb. 3 Oz. Capps Brand Tomatoes"; portion also labeled, "Packed by Capps Canning Company, Capps, Ark."

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

DISPOSITION: Between on or about November 25 and December 1, 1944, the Oxford Canning Co., Harrison, Ark., having appeared as claimant, judgments of condemnation were entered and the product was ordered released under bond to be salvaged in conformance with the law.