

**12161. Adulteration of canned pimientos. U. S. v. 519 Cases \* \* \*. (F. D. C. No. 22265. Sample No. 66033-H.)**

**LIBEL FILED:** February 4, 1947, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about November 29, 1946, by the Georgia Canning Co., from Wayside, Ga.

**PRODUCT:** 519 cases, each containing 24 4-ounce cans, of pimientos at Philadelphia, Pa.

**LABEL, IN PART:** "Spanish Trail Fancy Red Whole Pimientos."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

**DISPOSITION:** March 4, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**12162. Adulteration and misbranding of canned pimientos. U. S. v. 50 Cases \* \* \* (and 3 other seizure actions). (F. D. C. Nos. 22389, 22578, 22723, 22724, 22768. Sample Nos. 44716-H, 44722-H, 72669-H, 81429-H, 91605-H.)**

**LIBELS FILED:** Between January 14 and April 14, 1947, Districts of Idaho, Utah, Arizona, and Oregon. The libel filed in the District of Utah was amended on or about June 10, 1947.

**ALLEGED SHIPMENT:** Between the approximate dates of October 31 and December 31, 1946, by Leverton-California Corporation, from Salt Lake City, Utah, and Los Angeles, Calif.

**PRODUCT:** Pimientos. 50 cases at Twin Falls, Idaho, 185 cases at Salt Lake City, Utah, 99 cases and 257 cases at Phoenix, Ariz., and 72 cases at Portland, Oreg. Each case in the lot of 99 cases contained 24 7-ounce jars, and each case in the other lots of the product contained 72 4-ounce cans.

**LABEL, IN PART:** "World Over Fancy Pimientos."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the Idaho lot of the product consisted in whole or in part of a decomposed substance.

Misbranding, Section 403 (g) (1), the other lots of the product failed to conform to the definition and standard for canned pimientos, since the product had not been processed by heat so as to prevent spoilage. (The product was decomposed.)

**DISPOSITION:** Between April 14 and June 20, 1947. Default decrees of condemnation and destruction.

**12163. Misbranding of canned sweet potatoes. U. S. v. 47 Cases \* \* \*. (F. D. C. No. 22630. Sample No. 62278-H.)**

**LIBEL FILED:** On or about March 17, 1947, District of Montana.

**ALLEGED SHIPMENT:** On or about December 17, 1946, by John H. Dulany & Son, from Fruitland, Md.

**PRODUCT:** 47 cases, each containing 24 1-pound, 13-ounce cans, of sweet potatoes at Billings, Mont.

**LABEL, IN PART:** "J-H-D Dry Pack Mashed Sweet Potatoes."

**NATURE OF CHARGE:** Misbranding, Section 403 (g) (1), the product failed to conform to the standard for canned sweet potatoes, since it had not been processed by heat so as to prevent spoilage. (Examination showed that the product was decomposed.)

**DISPOSITION:** June 19, 1947. Default decree of condemnation and destruction.

**12164. Adulteration of sauerkraut. U. S. v. 159 Cases \* \* \*. (F. D. C. No. 22333. Sample No. 67732-H.)**

**LIBEL FILED:** December 30, 1946, District of Kansas.

**ALLEGED SHIPMENT:** On or about June 29, 1945, by the Goldsmith Pickle Co., from Chicago, Ill.

**PRODUCT:** 159 cases, each containing 12 1-fluid-quart jars, of sauerkraut at Hillsboro, Kans. The product contained excessive brine.

**LABEL, IN PART:** "Eatmore Brand \* \* \* Bulk Style Sauer Kraut."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article was unfit for food by reason of being soft, mushy, and discolored; and, Section 402 (b) (2), brine had been substituted in part for sauerkraut, which the article was represented to be.