

**FEDERAL SECURITY AGENCY****FOOD AND DRUG ADMINISTRATION****NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG,  
AND COSMETIC ACT**

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

11851-12000

**FOODS**

The cases reported herewith were instituted in the United States district courts by the United States attorneys acting upon reports submitted by direction of the Federal Security Administrator.

OSCAR R. EWING, *Administrator, Federal Security Agency.*

WASHINGTON, D. C., *March 24, 1948.*

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**BEVERAGES AND BEVERAGE MATERIALS**

**11851. Adulteration of beer and ale. U. S. v. 915 Cases, etc. (and 4 other seizure actions).** (F. D. C. Nos. 21651, 21705, 21712, 21742, 21743. Sample Nos. 38732-H, 38733-H, 38892-H to 38896-H, incl., 51476-H, 51477-H, 54722-H, 67704-H to 67706-H, incl.)

**LIBELS FILED:** November 19, 21, and 22, 1946, Northern District of Georgia, Western District of Missouri, Northern District of Indiana, and Eastern and Western Districts of Wisconsin.

**ALLEGED SHIPMENT:** Between the approximate dates of September 24 and November 1, 1946, by the Keeley Brewing Co., Chicago, Ill.

**PRODUCT:** Beer and ale. 2,318 cases, each containing 24 12-ounce bottles, and 287 cases, each containing 12 1-quart bottles, and 49 one-half kegs, in various lots, at Atlanta, Ga.; Kansas City, Mo.; Gary, Ind.; and Racine and Beloit, Wis.

**LABEL, IN PART:** "Ye Olde Inn Ale Keeley's Old Country Process," "Keeley Just Right Half and Half A Blend of Beer and Ale," or "Chicago's Premium Beer Keeley Half and Half Draught Beer A Blend of Beer and Ale."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (2), the product contained an added poisonous and deleterious substance, monochloroacetic acid, which is unsafe within the meaning of the law since it is a substance not required in the production of the food and could have been avoided by good manufacturing practice.

**DISPOSITION:** December 10, 1946, and February 27, 1947. The Keeley Brewing Co. having appeared as a claimant for the Kansas City and Gary lots, judgments of condemnation were entered and the product was ordered released under bond for destruction of the contents and salvage of the bottles and cases. No claimant having appeared for the remaining lots, judgments of condemnation were entered and the product was ordered destroyed.

**11852. Adulteration of beer. U. S. v. 399 Cases \* \* \*. (F. D. C. No. 21871. Sample No. 49857-H.)**

**LIBEL FILED:** January 4, 1947, Southern District of Mississippi.

**ALLEGED SHIPMENT:** On or about September 18, 1946, by David Rott, trading as the Ph. Kling Brewing Co., from Flint, Mich.

**PRODUCT:** 399 cases, each containing 24 12-ounce bottles, of beer at Gulfport, Miss.

**LABEL, IN PART:** "Premier Perfect Blend Beer."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article was unfit for food by reason of being sour.

**DISPOSITION:** February 28, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. It was ordered further that the containers of the product be delivered to the claimant, should one appear and file bond in 10 days after the date of the decree, conditioned that the beer be poured out, under the supervision of the Food and Drug Administration.

**11853. Adulteration of frozen orange juice. U. S. v. 568 Cases \* \* \*. (F. D. C. No. 21620. Sample No. 64564-H.)**

**LIBEL FILED:** November 7, 1946, Southern District of New York.

**ALLEGED SHIPMENT:** On or about May 29, 1945, by the Florida Fruit Products Co., from Lakeland, Fla.

**PRODUCT:** 568 cases, each containing 12 27-fluid-ounce cans, of frozen orange juice at New York, N. Y. Examination showed that the article was fermented.

**LABEL, IN PART:** "Purest Brand Pure Frozen Orange Juice Condensed \* \* \* Distributed by Knight & Middleton, Inc. Clearwater, Florida."

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

**DISPOSITION:** November 20, 1946. The Florida Fruit Products Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be used solely in the manufacture of stock feed, under the supervision of the Food and Drug Administration.

**11854. Misbranding of prune juice. U. S. v. 154 Cases \* \* \*. (F. D. C. No. 21682. Sample No. 1494-H.)**

**LIBEL FILED:** November 27, 1946, Northern District of Georgia.

**ALLEGED SHIPMENT:** On or about September 27, 1946, by the Wheatley Mayonnaise Co., Inc., from Jacksonville, Fla.

**PRODUCT:** 154 cases, each containing 12 1-quart bottles, of prune juice at Atlanta, Ga.

**LABEL, IN PART:** "Lady Betty Prune Juice."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the label statement "The Drink for Health Enriched with Dextrose Contains Vitamin A, B<sub>1</sub>, B<sub>2</sub> Rich in Carbohydrates, Calcium, Iron" was misleading since the product provided nutritionally inconsequential amounts of vitamins A, B<sub>1</sub>, and B<sub>2</sub>, and iron, calcium, carbohydrates, and dextrose, and would not be effective in promoting health.

**DISPOSITION:** September 10, 1947. The Wheatley Mayonnaise Co., Inc., Louisville, Ky., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.