

12409. Adulteration of tomato juice. U. S. v. 1,429 Cases * * *. (F. D. C. No. 11668. Sample No. 50236-F.)

LIBEL FILED: January 18, 1944, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about October 14, 1943, by Fuller Canneries, from Modeltown, N. Y.

PRODUCT: 1,429 cases, each containing 6 cans, of tomato juice at Pittsburgh, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: April 30, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

12410. Adulteration of beer. U. S. v. 2,400 Cases * * * (and 9 other seizure actions). (F. D. C. Nos. 21700, 21724, 21725, 21762, 21763, 21765, 21791, 21792, 21851, 22390. Sample Nos. 32308-H, 32309-H, 50112-H, 50125-H, 51588-H, 53498-H, 61463-H, 61464-H, 67390-H, 67451-H, 67692-H, 67708-H, 70543-H.)

LIBELS FILED: Between November 12, 1946, and January 15, 1947, Western District of Missouri, District of Kansas, Western District of Oklahoma, Southern District of Texas, Southern District of Iowa, Western District of Washington, Southern District of California, Eastern District of Tennessee, and District of Nevada.

ALLEGED SHIPMENT: Between October 12 and November 5, 1946, by the Birk Bros. Brewing Co., from Galewood and Chicago, Ill.

PRODUCT: 13,271 cases of beer at Independence, Mo.; Coffeyville, Kans.; Oklahoma City, Okla.; Corpus Christi and Houston, Tex.; Des Moines, Iowa; Tacoma, Wash.; Los Angeles, Calif.; Kingsport, Tenn.; and Las Vegas, Nev. Some of the cases contained 24 12-ounce bottles, and the remaining cases contained 12 1-quart bottles. Analyses disclosed that the various lots of the product contained between 47 and 112 parts per million of monochloroacetic acid.

LABEL, IN PART: "Trophy Beer."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the article 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 article and could have been avoided by good manufacturing practice.

DISPOSITION: Between November 29, 1946, and April 14, 1947. G. G.'s Liquor Stores, Inc., Houston, Tex., claimant for the Houston lot, and the Birk Bros. Brewing Co., claimant for the other lots, having consented to the entry of decrees, judgments of condemnation were entered. The marshal was ordered to destroy the Houston lot of the beer and to deliver the containers to the claimant. The other lots were released to the claimant under bond, conditioned that they be disposed of in the same manner.

12411. Adulteration of wine. U. S. v. 10 Cases * * * (and 8 other seizure actions). (F. D. C. Nos. 22462, 22516, 22517, 22638, 22817, 22818, 22821, 22823, 22825. Sample Nos. 39784-H to 39786-H, incl., 48833-H, 49552-H, 50153-H, 54118-H to 54121-H, incl., 61329-H, 69728-H, 69729-H, 69876-H, 76343-H, 76344-H.)

LIBELS FILED: Between January 31 and April 10, 1947, Eastern and Western Districts of Michigan, Southern District of Indiana, Southern District of Mississippi, Southern and Western Districts of Texas, Eastern District of Louisiana, and Western District of Pennsylvania.

ALLEGED SHIPMENT: Between January 22 and October 14, 1946, by the California Wine Co., from Chicago, Ill.

PRODUCT: 411 cases and 50 bottles of wine at Benton Harbor and Detroit, Mich.; Indianapolis, Ind.; Meridian, Miss.; Houston and San Antonio, Tex.; New Orleans, La.; and Pittsburgh, Pa. The cases contained 12 1/2-gallon bottles, or 6 1/2-gallon bottles, or 4 1-gallon bottles, of the product. Analyses showed that the various lots of the article contained between 78 and 260 parts per million of monochloroacetic acid.

LABEL, IN PART: "American Mogen David Wine A Sweet Kosher Grape Wine," "Barloma American White [or "Red," or "Blackberry"] Sweet Wine," or "Barloma Brand Blended American Light Port Wine."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the article 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 article and could have been avoided by good manufacturing practice.

DISPOSITION: Between March 5, 1947, and January 5, 1948. Default decrees of condemnation and destruction.

12412. Misbranding of Cosco Esterex. U. S. v. 2 Bottles * * *. (F. D. C. No. 21412. Sample No. 53534-H.)

LIBEL FILED: November 4, 1946, Middle District of Tennessee.

ALLEGED SHIPMENT: On or about August 31, 1945, by the C. O. & W. D. Sethness Co., from Chicago, Ill.

PRODUCT: 2 1-gallon bottles of Cosco Esterex at Nashville, Tenn. Analysis showed that the product contained about 17 percent of monochloroacetic acid.

LABEL, IN PART: "Cosco Esterex * * * Buffered Aqueous Solution of Monochloroacetic Acid and its Selected Esters, Salt and Glycerine. Directions for Stabilizing Purposes: Use ½ Ounce to Each Gallon of Bottling Syrup, or to 6 Gallons of Finished Drink."

NATURE OF CHARGE: Misbranding, Section 403 (a), the labeling of the article was misleading, since the trade mark "Esterex," coupled with the directions for use, represented to purchasers of the article that the article was wholesome and suitable for use as a component of beverages for man, whereas the article contained about 17 percent of monochloroacetic acid, which is a poisonous and deleterious substance; and the labeling failed to reveal the material fact in the light of said representations made thereon that the article contained a poisonous and deleterious substance.

DISPOSITION: January 7, 1947. Default decree of condemnation and destruction.

CEREALS AND CEREAL PRODUCTS

BAKERY PRODUCTS*

12413. Adulteration of bread. U. S. v. Louis A. Handlovsky (Sanitary Bakery Co.). Plea of guilty. Fine of \$75 and jail sentence of 6 months. (F. D. C. No. 21572. Sample Nos. 50952-H, 50954-H, 73301-H.)

INFORMATION FILED: February 24, 1947, Western District of Wisconsin, against Louis A. Handlovsky, trading as the Sanitary Bakery Co., at Superior, Wis.

ALLEGED SHIPMENT: Between the approximate dates of March 6 and October 16, 1946, from the State of Wisconsin into the State of Minnesota.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments, mites, and rodent hairs; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: June 2, 1947. A plea of guilty having been entered, the defendant was fined \$75 and sentenced to 6 months' imprisonment. The jail sentence was suspended and the defendant was placed on 1 year's probation. On November 25, 1947, however, the suspended sentence was revoked, and the defendant was committed to the custody of the United States marshal.

12414. Adulteration of bread, rolls, and doughnuts. U. S. v. Huber Baking Co., a corporation. Plea of guilty. Fine, \$350. (F. D. C. No. 24045. Sample Nos. 66279-H, 92521-H, 92523-H, 92527-H, 92528-H, 99981-H, 99982-H.)

INFORMATION FILED: December 24, 1947, District of Delaware, against the Huber Baking Company, a corporation, Wilmington, Del.

ALLEGED SHIPMENT: On or about August 2, 4, 8, and 9, 1947, from the State of Delaware into the States of New Jersey and Pennsylvania.

LABEL, IN PART: "Sunbeam Doughnuts * * * 6 Doughnuts," "Huber's Sunbeam Rolls Net Wt. 15 Ozs.," or "Huber's Sunbeam Enriched Bread." One shipment of rolls was unlabeled.

*See also No. 12570.