

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.