BEVERAGES AND BEVERAGE MATERIALS

15051. Adulteration of beer. U. S. v. 1,500 Cases (and 1 other seizure action). (F. D. C. Nos. 21197, 21356. Sample Nos. 67358-H, 67441-H.)

LIBELS FILED: On or about October 23, 1946, District of Kansas.

ALLEGED SHIPMENT: On or about September 24 and October 3, 1946, by the King Cole Breweries, Inc., from Chicago and Chicago Heights, Ill.

PRODUCT: Beer. 1,500 cases, each containing 24 12-ounce bottles, at Wichita, Kans.; and 83 barrels, each containing 32 gallons, and 140 barrels, each containing 15½ gallons, at Emporia, Kans.

Analyses of samples from the barrels and the bottles showed that the beer contained 125 parts per million and 205 parts per million of monochloracetic acid, respectively.

LABEL, IN PART: (Bottles) "Headlite Lager Beer"; (barrels) "Maltaza Select Beer."

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

DISPOSITION: November 5, 1946, and January 8, 1947. The King Cole Breweries, Inc., having appeared as claimant for the lot at Emporia, and the receiver for the corporation having appeared as claimant for the lot at Wichita, and both claimants having consented to the entry of decrees, judgments of condemnation were entered. Thereupon, the product was ordered released under bond, conditioned that the contents of the bottles and barrels be destroyed under the supervision of the Federal Security Agency.

15052. Action to enjoin and restrain the interstate shipment of apple juice, apple cider, fermented vinegar stock, and vinegar. U. S. v. The Speas Co. Consent decree granting injunction. (Inj. No. 193.)

COMPLAINT FILED: May 28, 1948, District of Colorado, against the Speas Co., a corporation, Kansas City, Mo., and Denver, Colo.

NATURE OF CHARGE: That the defendant had been and is engaged in the business of manufacturing apple juice and apple cider and fermented vinegar stock and vinegar, and had shipped in interstate commerce these products, which were adulterated within the meaning of Section 402 (a) (3), in that they consisted in part of filthy and decomposed substances by reason of the presence of worms, worm fragments, insects, rodent excreta, and rotten apple material, and which were adulterated further within the meaning of Section 402 (a) (4), in that they had been prepared under insanitary conditions whereby they may have become contaminated with filth. The complaint alleged further that the insanitary conditions consisted of, and resulted from, the use of rotten and wormy apples, and the presence of insects, rodents, rodent excreta, dirt, and other filth in and around the machinery, equipment, and raw materials on the premises of the Denver plant.

The complaint alleged further that the defendant held and stored these products at its plant in Denver, Colo.; that the defendant continued to introduce into interstate commerce products which were adulterated; and that the defendant would continue to do so unless restrained from such acts.

PRAYER OF COMPLAINT: That the defendant be perpetually enjoined from shipping into interstate commerce apple juice, apple cider, fermented vinegar stock, and vinegar, which are adulterated; and that a preliminary injunction be granted during the pendency of the action.

DISPOSITION: June 30, 1948. The defendant having consented to the entry of a decree, judgment was entered enjoining the defendant from shipping in interstate commerce 75,933 gallons of adulterated apple cider stock and apple vinegar which were stored in the Denver, Colo., plant, and from shipping in interstate commerce from the Denver, Colo., plant any adulterated apple juice, apple cider, fermented vinegar stock, and vinegar.

On July 21, 1948, it having then been determined that 12,000 gallons of the apple cider stock might be processed and distilled in compliance with the law, the injunction decree was modified to permit the interstate shipment of the product resulting from distillation of the 12,000 gallons.

15053. Adulteration of canned pineapple juice. U. S. v. 57 Cases * * *. (F. D. C. No. 27160. Sample No. 8421–K.)

LIBEL FILED: April 25, 1949, District of New Jersey.

ALLEGED SHIPMENT: On or about August 11, 1948, by Compania Industrial Agricola, Inc., from Manati, P. R.

PRODUCT: 57 cases, each containing 24 1-pint, 2-fluid-ounce cans, of pineapple juice at Newark, N. J.

LABEL, IN PART: "Santana Brand Fancy Puerto Rican Pineapple Juice."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance by reason of the presence of insects and decomposed pineapple material, and it was otherwise unfit for food by reason of its abnormal odor and flavor.

DISPOSITION: July 18, 1949. Default decree of condemnation and destruction.

15054. Adulteration of tomato juice. U. S. v. 417 Cases * * *. (F. D. C. No. 27325. Sample No. 5767–K.)

LIBEL FILED: June 16, 1949, District of New Hampshire.

ALLEGED SHIPMENT: On or about April 1, 1949, by Gervas Canning Co., Inc., from Fredonia, N. Y.

PRODUCT: 417 cases, each containing 24 1-pint, 2-fluid-ounce cans, of tomato juice at Keene, N. H.

LABEL, IN PART: "IGA * * * Tomato Juice."

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

DISPOSITION: August 16, 1949. Default decree of condemnation and destruction.

15055. Adulteration of tomato juice. U. S. v. 314 Cases * * *. (F. D. C. No. 26270. Sample No. 15256–K.)

LIBEL FILED: On or about January 18, 1949, Northern District of Illinois.

ALLEGED SHIPMENT: On or about July 27, 1948, by the Leisure Packing Co., from Leisure, Ind.

PRODUCT: 314 cases, each containing 24 unlabeled No. 2 cans, of tomato juice at Chicago, Ill.