

BEVERAGES AND BEVERAGE MATERIALS

18051. Adulteration and misbranding of whiskies, wines, and cordials. U. S. v. 36,000 bottles * * *. (F. D. C. No. 31647. Sample No. 10932-L.)

LIBEL FILED: August 28, 1951, Western District of Kentucky.

ALLEGED SHIPMENT: Between November 8, 1949, and June 19, 1951, by various shippers in other States, to Henderson, Ky.

PRODUCT: 36,000 bottles of whiskies, wines, and cordials, at Louisville, Ky. Some of the bottles were labeled with various brands, some with partly burned labels, and some with no labels. The products had been involved in a warehouse fire at Henderson, Ky.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles were unfit for food by reason of the presence of fire-damaged beverages.

Misbranding, Sections 403 (e) (1) and (2), some of the bottles of the articles failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; and, Section 403 (i) (1), some of the labels failed to bear the common or usual name of the articles.

The products were adulterated and misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: October 4, 1951. Stoney Crest, Inc., Louisville, Ky., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the products be released under bond to be brought into compliance with the law. The decree provided further that all whiskies or gins of a certain manufacturer be transferred to Philadelphia, Pa., the headquarters of that manufacturer, for the purpose of relabeling or rebottling any portion that was not adulterated, under the supervision of the local Alcohol Tax Unit, and redistillation of any portion that was not suitable for relabeling or rebottling; that all whiskies of another manufacturer be inspected before shipment, that any portion suitable for relabeling be transferred to the manufacturer, at Peoria, Ill., for relabeling, under the supervision of the local Alcohol Tax Unit, and that any portion thereof not suitable for relabeling be rectified or redistilled at a licensed plant; that 4,000 cases of various wines be transferred to a winery at Louisville, Ky., to be reprocessed, rebottled, or relabeled, under the supervision of the Food and Drug Administration, so as to be made suitable for human consumption; that 25 cases of Scotch whiskies, still in their original cartons, be examined, and if found fit for human consumption and not misbranded, be released to the claimant; and that all of the remaining miscellaneous beverages be transferred to a rectifier and rectified or redistilled.

18052. Adulteration of coffee beans and cashew nuts. U. S. v. 1,150 pounds, etc. (F. D. C. No. 30887. Sample Nos. 23016-L, 23017-L.)

LIBEL FILED: April 3, 1951, Eastern District of New York.

ALLEGED SHIPMENT: The date of importation of the coffee beans is unknown. The cashew nuts were shipped from India between January 1, 1949, and March 1, 1950.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence (in the coffee beans) of dirt, glass fragments, rodent excreta, wood fragments, and pebbles, and (in the cashew nuts) beetles, larvae, insect excreta, and worm-eaten