BEVERAGES AND BEVERAGE MATERIALS

19751. Adulteration and misbranding of whisky. U. S. v. 4,289 ½-Pint Bottles, etc. (F. D. C. No. 33343. Sample Nos. 8895–L, 8896–L.)

LIBEL FILED: July 15, 1952, Northern District of Illinois.

ALLEGED SHIPMENT: On or about October 3, 1951, from Peoria, Ill., consigned to Worcester, Mass. While in transit, the whisky was submerged in polluted water near Lee, Mass., after being involved in a truck accident. On or about October 13, 1951, the whisky was returned to Illinois.

PRODUCT: Whisky. 4,289 ½-pint bottles, 1,886 1-pint bottles, 1,549 1-quart bottles, 963 ⅕-gallon bottles, and 19 cases, each containing 6 ⅕-gallon bottles, at Chicago, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth and may have been rendered injurious to health because of its having been submerged in polluted water.

Misbranding, Sections 403 (e) (1) and (2), the article failed to bear a label 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), the label failed to bear the common or usual name of the article.

DISPOSITION: June 1, 1953. Jones & Randolph, Ltd., Chicago, Ill., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law by redistillation, under the supervision of the Department of Health, Education, and Welfare and the Treasury Department.

19752. Adulteration of green coffee. U. S. v. 347 Bags * * * (and 1 other seizure action). (F. D. C. Nos. 33122, 33123. Sample Nos. 21361–L, 22688–L.)

LIBELS FILED: May 6, 1952, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about February 12, 1952, by Valporga & De Simoni, from Genoa, Italy.

PRODUCT: 347 bags, each containing 131 pounds, and 3 bags, each containing 100 pounds, of green coffee at New Orleans, La.

LABEL, IN PART: "Camillieri DF Genova."

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 insects.

DISPOSITION: On June 18, 1952, Leon Israel & Bros., Inc., New Orleans, La., claimant for the 347-bag lot, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law. The 347-bag lot was reconditioned, with the result that 27,757 pounds of the product were found unfit and were destroyed.

On June 6, 1952, no claimant having appeared for the 3-bag lot of the product, a default decree of condemnation and destruction was entered.