

acid. It was intended for use by dealers as a preservative in chocolate fountain sirups, and it was represented by the shippers as a preservative.
LABEL, IN PART: "Liquid Stabilizer An Inhibitor Containing Monochloroacetic Acid."

NATURE OF CHARGE: Misbranding, Section 403 (a), the name "Liquid Stabilizer" was misleading since it created the impression that the article was wholesome and suitable for use as a component of food used by man, whereas the labeling failed to reveal the material fact that monochloroacetic acid is a poisonous and deleterious substance, which caused the product to be poisonous and deleterious and which rendered it unwholesome and unsuitable for use as a component of food.

DISPOSITION: July 13, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8507. Adulteration and misbranding of peach flow. U. S. v. 181 Cases of Peach Flow. Default decree of condemnation and destruction. (F. D. C. No. 15182. Sample No. 74186-F.)

LABEL FILED: February 3, 1945, Southern District of Illinois.

ALLEGED SHIPMENT: On or about November 7, 1944, by the Pure Foods Corporation, from Los Angeles, Calif.

PRODUCT: 181 cases, each containing 24 cans, of peach flow at Granite City, Ill. Examination showed that the product contained decomposed peach material; and that it was composed of 33 percent fruit, the remainder being water, sugar, and acid.

LABEL, IN PART: "Golden Flow Brand * * * Peach Flow [design of a glass of beverage and a peach]."

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

Misbranding, Section 403 (a), the design of a glass containing a beverage, with a picture of a peach, and the name "Peach Flow," were misleading as applied to an article containing only 33 percent fruit.

DISPOSITION: August 28, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8508. Adulteration and misbranding of coffee. U. S. v. 4,098 Cases of Coffee. Product relabeled by agreement of the parties, and libel dismissed. (F. D. C. No. 16079. Sample No. 3446-H.)

LABEL FILED: May 1, 1945, District of Maryland; amended June 4, 1945.

ALLEGED SHIPMENT: On or about December 7, 1944, by The Fidelity Storage and Salvage Co., from Norfolk, Va.

PRODUCT: 4,098 cases, each containing 12 1-pound bags, of coffee at Baltimore, Md. Cup tests showed that the article had the disagreeable, stale flavor of very old, deteriorated coffee.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article was unfit for food since it had the flavor of old, stale, and deteriorated coffee.

Misbranding, Section 403 (a), the labeling was misleading as applied to a product consisting of old, stale, and deteriorated coffee; and it was further misleading since it failed to reveal facts which were material in the light of its representations with respect to the customary and usual conditions of use of the article, as implied by the designation "Coffee."

DISPOSITION: The Hanover Jobbing Co., Baltimore, Md., claimant, filed an answer denying that the product was adulterated and misbranded as alleged in the libel. Thereafter, on July 10, 1945, the matters in controversy were resolved by agreement with the Government that the product would be relabeled by affixing to each package of the article a label stating, "This Coffee Packed June 1943," in manner and form subject to the approval of the Food and Drug Administration. On September 19, 1945, the labeling of the product having been completed and approved, the libel was ordered dismissed.

8509. Misbranding of coffee. - U. S. v. H. A. Marr Grocery Co. Plea of nolo contendere. Fine, \$150. (F. D. C. No. 15561. Sample Nos. 36568-F; 36569-F; 69719-F to 69722-F; incl.)

INFORMATION FILED: June 29, 1945, District of Colorado, against the H. A. Marr Grocery Co., a corporation, Denver, Colo.

ALLEGED SHIPMENT: On or about February 22, March 30, and June 3, 1944, from the State of Colorado into the States of Wyoming and Texas.