

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: January 17, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10355. Adulteration of beer. U. S. v. 324 Bottles * * *. (F. D. C. No. 21759. Sample No. 69312-H.)

LIBEL FILED: On or about November 23, 1946, Western District of Michigan.

ALLEGED SHIPMENT: On or about November 7, 1946, by the Atlantic Brewing Co., from Chicago, Ill.

PRODUCT: 324 ½-gallon bottles of beer at Benton Harbor, Mich.

LABEL, IN PART: "Tavern Beer Pale."

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: December 20, 1946. No claim having been made for the beer, judgment was entered ordering that the beer be destroyed and that the bottles and other containers be returned to the shipper or consignee.

10356. Misbranding of beer. U. S. v. 1,260 Cases * * *. (F. D. C. No. 21819. Sample Nos. 50105-H, 70550-H.)

LIBEL FILED: December 2, 1946, Southern District of California.

ALLEGED SHIPMENT: On or about September 23, 1946, by Old Dutch Brewers, Inc., from Vanderveer Park, N. Y.

PRODUCT: 1,260 cases, each containing 24 12-fluid ounce bottles, of beer at Los Angeles, Calif. Examination showed that the article was short-volume.

LABEL, IN PART: "Contents 12 Fluid Oz. Lion New York's Famous Pilsener Beer."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: December 20, 1946. The Ken-Win Distributing Co., Los Angeles, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be distributed for charitable use, under the supervision of the Federal Security Administrator.

10357. Adulteration of coffee. U. S. v. 87 Bags * * *. (F. D. C. No. 22342. Sample No. 50335-H.)

LIBEL FILED: December 30, 1946, Middle District of Tennessee.

ALLEGED SHIPMENT: On or about December 18, 1946, by S. Jackson and Son, Inc., from New Orleans, La.

PRODUCT: 87 bags, each containing approximately 130 pounds, of coffee at Nashville, Tenn.

LABEL, IN PART: "Cafe Do Brasil Poor Skims."

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

DISPOSITION: February 6, 1947. The Dobson Company, Nashville, Tenn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be brought into compliance with the law by eliminating the unfit portion, under the supervision of the Federal Security Agency.

10358. Adulteration of fruit-flavored sirup. U. S. v. 1 Bottle and 70 Cases * * *. (F. D. C. No. 21309. Sample Nos. 54650-H to 54652-H, incl.)

LIBEL FILED: October 30, 1946, Southern District of Georgia.

ALLEGED SHIPMENT: On or about August 29 and September 5, 1946, by the Economy Wholesale Grocery Co., Jacksonville, Fla., from Ocala, Fla.

PRODUCT: 1 gallon bottle of grape-flavored sirup, 41 cases, each containing 4 1-gallon bottles, of orange-flavored sirup, and 29 cases, each containing 4 1-gallon bottles, of strawberry-flavored sirup at Brunswick, Ga.

LABEL, IN PART: "L & M * * * Grape [or "Orange," or "Strawberry"] Flavored Syrup * * * Distributed by Laurie-Massey Dade City Florida."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, sugar, had been in part omitted from the articles; Section 402 (b) (2), fruit-flavored sirups containing saccharin had been substituted in whole or in part for fruit-flavored sirups containing sugar, which the articles were represented to be; and, Section 402 (b) (4), a substance, saccharin, having no food value, had been added to the articles so as to make them appear to be better and of greater quality than they were.

DISPOSITION: January 29, 1947. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

CEREALS AND CEREAL PRODUCTS

BAKERY PRODUCTS*

10359. Adulteration and misbranding of enriched bread and honey cracked wheat bread. U. S. v. Jessee Baking Co. Plea of guilty. Fine, \$2,000. (F. D. C. No. 21503. Sample Nos. 48236-H, 48238-H.)

LABEL FILED: January 10, 1947, District of Colorado, against the Jessee Baking Co., a corporation, Sterling, Colo.

ALLEGED SHIPMENT: On or about July 19, 1946, from the State of Colorado into the State of Nebraska.

LABEL, IN PART: "Jessee's If It's Jessees It's Good Bread Enriched," or "Mrs. Jessee's Honey Cracked Wheat."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in part of filthy substances by reason of the presence, in the enriched bread, of a rodent hair, plant tissue, and carbonaceous material, and, in the "Honey Cracked Wheat Bread," of insect parts and insect fragments; and, Section 402 (a) (4), the articles had been prepared, packed, and held under insanitary conditions whereby they may have become contaminated with filth.

Misbranding, Section 403 (f), certain information required by law to appear on the label was not prominently placed thereon with such conspicuousness as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use. The name and place of business of the manufacturer, packer, or distributor, an accurate statement of the quantity of the contents, and the common or usual name of each ingredient of the article were printed indistinctly in small type on the labels of the "Honey Cracked Wheat Bread." The information prescribed by the regulations as necessary in order fully to inform purchasers as to the value of the article for special dietary uses was printed indistinctly and in small type on the labels of the enriched bread.

Further misbranding, Section 403 (k), the enriched bread contained a chemical preservative, sodium propionate, and failed to bear labeling stating that fact; and, Section 403 (a), the label statement "Honey Cracked Wheat" was false and misleading since the bread so labeled actually contained no honey.

DISPOSITION: January 14, 1947. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$500 on each count, a total fine of \$2,000.

10360. Adulteration of ice cream cones and cups. U. S. v. Maryland Baking Co. and Harry S. Hyman. Pleas of guilty. Fine of \$750 and costs against each defendant. (F. D. C. No. 21493. Sample Nos. 3747-H to 3751-H, incl., 41954-H, 41957-H.)

INFORMATION FILED: December 2, 1946, District of Maryland, against the Maryland Baking Co., Baltimore, Md., and Harry S. Hyman, vice president and plant manager.

ALLEGED SHIPMENT: Between the approximate dates of July 21 and September 7, 1946, from the State of Maryland into the State of Virginia.

*See also No. 10364.