

NATURE OF CHARGE: Misbranding, Section 403 (a), the labeling was misleading in that the statement, "Effect-O * * * The Perfect Stabilizer For All Beverages Eliminates the Use of Preservatives * * * Use ½ Oz. To Each Gallon of Bottling Syrup," on the label of the Effect-O Stabilizer, the word "Stabilizer" on the label of the Stabilizer No. 1295, and the statement, "Bevco Stabilizer For All Beverages Use ½ Oz. To Each Gallon of Bottling Syrup or To 6 Gallons of Finished Drink or Beverage," on the label of the Bevco Stabilizer, created the impression that the articles were wholesome and suitable for use as components of beverages or foods used by man.

The Effect-O Stabilizer and the Stabilizer No. 1295 contained monochloroacetic acid, and the labeling failed to reveal the fact that monochloroacetic acid is a poisonous and deleterious substance which rendered the articles unwholesome and unsuitable for use as components of beverages or foods used by man.

The Bevco Stabilizer contained quaternary ammonium compound, a poisonous and deleterious substance, and the labeling failed to reveal the material fact that the product contained a poisonous and deleterious substance.

DISPOSITION: January 17 and August 14 and 27, 1946. No claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

CEREALS AND CEREAL PRODUCTS

BAKERY PRODUCTS

10519. Adulteration of fruit cake. U. S. v. 41 Cases * * *. (F. D. C. No. 17985. Sample No. 21161-H.)

LIBEL FILED: On or about November 1, 1945, Western District of Missouri.

ALLEGED SHIPMENT: On or about June 18, 20, and 26, 1945, by Habib's, from Helena, Ark.

PRODUCT: 41 cases, each containing 48 cartons, of fruit cake at Kansas City, Mo.

LABEL, IN PART: (Carton) "Habibette Miniature of Habib's Fruit Cake Net Weight: Not less than ½ lb."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of beetles, larvae, and rodent hair fragments.

DISPOSITION: November 30, 1945. No claimant having appeared, judgment was entered ordering the product destroyed.

10520. Adulteration of Fruit Nut Bar (cake) and misbranding of fruit cake. U. S. v. 149 Cases and 39 Cases of Fruit Nut Bar and 500 Cases of Fruit Cake. (F. D. C. Nos. 18540, 18541, 19132. Sample Nos. 33650-H, 33660-H, 56317-H.)

LIBELS FILED: December 6, 1945, on or about December 11, 1945, and February 12, 1946, Western District of Oklahoma.

ALLEGED SHIPMENT: Between the approximate dates of July 24, 1945, and October 12, 1945, by the Honey Krust Bakery Co., from Kilgore, Tex.

PRODUCT: 188 cases each containing 30 14-ounce fruit nut bars and 500 cases, each containing 12 2-pound tins, of fruit cake at Oklahoma City, Okla. Examination showed that the fruit cake was short-weight and that the Fruit Nut Bars contained filth.

LABEL, IN PART: "Honey Krust Fruit Nut Bar," or "2 Lb. Honey Krust * * * Holiday Fruit Cake."

NATURE OF CHARGE: Fruit Nut Bar, adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of (in a portion) beetles, larvae, and cast skins, and (in the remainder) insect excreta and webbing.

Fruit cake, misbranding, Section 403 (e) (2), the product failed to bear labels containing an accurate statement of the quantity of the contents.

DISPOSITION: On January 9 and March 30, 1946, no claimant having appeared for the Fruit Nut Bar, judgments of condemnation were entered and the product was ordered destroyed. On February 21, 1946, the Honey Krust Bakery Co. having appeared as claimant for the fruit cake, judgment was entered ordering the product released under bond to be relabeled under the supervision of the Food and Drug Administration.