

whether the tomato juice was fit for food was not and could not be made an issue in the case.

"The judgment appealed from is affirmed."

The claimant filed a petition for a writ of certiorari to the United States Supreme Court, which was denied on March 29, 1948.

**12820. Adulteration of tomato juice. U. S. v. 105 Cases \* \* \*. (F. D. C. No. 21818. Sample No. 81389-H.)**

**LIBEL FILED:** November 5, 1946, District of Oregon.

**ALLEGED SHIPMENT:** On or about September 29 and October 2, 1946, by the Pacific Fruit & Produce Co., from Walla Walla, Wash.

**PRODUCT:** 105 cases, each containing 12 1-quart, 14-fluid-ounce cans, of tomato juice at Pendleton, Oreg.

**LABEL, IN PART:** "Corner State Brand Tomato Juice \* \* \* Packed by Wapato Packing Company, Wapato, Washington."

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

**DISPOSITION:** March 12, 1947. Default decree of condemnation and destruction.

**12821. Adulteration and misbranding of fountain sirups. U. S. v. 9 Cases and 12 Bottles \* \* \*. (F. D. C. No. 23176. Sample Nos. 86547-H to 86550-H, incl.)**

**LIBEL FILED:** June 9, 1947, Eastern District of Illinois.

**ALLEGED SHIPMENT:** On or about September 13 and November 2, 1946, by the A. W. Mendenhall Co., from Dallas, Tex.

**PRODUCT:** Fountain sirups. 9 cases, each containing 4 1-gallon bottles, and 12 1-gallon bottles, at East St. Louis, Mo.

**LABEL, IN PART:** "Lone Star Fountain Strawberry Syrup [or "Vanilla Syrup," "Cherry Syrup," or "Pineapple Syrup"]."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), artificially flavored and colored acidulated solutions of sugars, corn sirup, water, and sodium benzoate, containing less soluble solids than are contained in fountain fruit sirups, had been substituted for fountain strawberry sirup, vanilla sirup, cherry sirup, and pineapple sirup, respectively, which the articles were represented to be.

Misbranding, Section 403 (a), the label designations, "Fountain Strawberry Syrup," "Vanilla Syrup," "Cherry Syrup," or "Pineapple Syrup," were false and misleading.

**DISPOSITION:** July 2, 1947. Default decree of condemnation. The products were delivered to a charitable institution.

Nos. 12822 to 12829 report actions involving wine that contained monochloroacetic acid, which is a poisonous and deleterious substance that 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.

**12822. Adulteration of wine. U. S. v. 144 Cases, etc. (and 32 other seizure actions). (F. D. C. Nos. 22247, 22249, 22250, 22444, 22452, 22464, 22465, 22480 to 22486, incl., 22491 to 22494, incl., 22515, 22525, 22526, 22605, 22752, 22753, 22785, 22786, 22822, 22824, 22829, 22834, 22849, 22850, 22993. Sample Nos. 14918-H to 14923-H, incl., 14996-H to 14999-H, incl., 15508-H, 15509-H, 40081-H, 40082-H, 40557-H to 40559-H, incl., 48834-H, 50519-H, 51982-H, 51983-H, 52788-H to 52790-H, incl., 52792-H to 52795-H, incl., 52797-H, 53655-H, 53656-H, 53672-H, 53841-H, 53845-H to 53848-H, incl., 53943-H, 53944-H, 53949-H to 53955-H, incl., 54041-H, 54116-H, 54117-H, 69098-H, 69333-H to 69336-H, incl., 69834-H, 73120-H to 73124-H, incl., 73667-H, 77041-H, 77050-H to 77052-H, incl., 77056-H, 77057-H, 77107-H to 77110-H, incl.)**

**LIBELS FILED:** Between January 29 and April 30, 1947, Eastern District of Kentucky, Eastern and Western Districts of Wisconsin, Northern and Southern Districts of Indiana, Northern and Southern Districts of Ohio, Eastern District of Missouri, Eastern and Western Districts of Michigan, District of Minnesota, and Western and Northern Districts of Texas.

**ALLEGED SHIPMENT:** Between the approximate dates of June 25, 1946, and January 22, 1947, by the Wine Corporation of America, from Chicago, Ill.

**PRODUCT:** 5,621 cases and 9 ½-gallon jugs of wine at Covington, Ky.; Milwaukee, Wisconsin Rapids, La Crosse, and Stevens Point, Wis.; South Bend, Indianapolis, and Gary, Ind.; Cincinnati, Toledo, Cleveland, Akron, Canton, Dayton, Lorain, Chillicothe, and Columbus, Ohio; St. Louis, Mo.; Lansing, Grand Rapids, and Bay City, Mich.; Minneapolis, Minn.; and San Antonio and Dallas, Tex. The cases contained 24 1-pint bottles, 12 fifth-gallon bottles, 6 ½-gallon bottles, or 4 1-gallon jugs of the product.

Analyses disclosed that the various lots of the product contained monochloroacetic acid in amounts ranging from 57 to 432 parts per million.

**LABEL, IN PART:** "American Mogen David Wine A Sweet Kosher Grape Wine," "Barloma American Blackberry [or "White," or "Red"] Sweet Wine," "Barloma" American Blackberry [or "White"] Sweet Wine Produced & Bottled by California Wine Co., Chicago," "Mogen David American Blackberry Wine," "American Mogen David Wine A Sweet Kosher Grape Wine Produced and Bottled at the winery by California Wine Company, Chicago," "Barloma Brand American Light Port Wine," or "Blended Barloma Brand American Muscat [or "Light Sherry"] Wine \* \* \* Bottled by California Wine Co., Chicago, Ill."

**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 Section 406.

**DISPOSITION:** Between February 28 and October 29, 1947. Default decrees of condemnation and destruction.

**12823. Adulteration of wine. U. S. v. 129 Cases, etc. (and 7 other seizure actions).** (F. D. C. Nos. 22451, 22466, 22514, 22522, 22751, 22754, 22845, 22846, 22992. Sample Nos. 12877-H to 12879-H, incl., 53176-H, 53177-H, 67517-H, 67518-H, 67542-H, 69835-H to 69840-H, incl., 69878-H, 73125-H, 73126-H, 73128-H to 73131-H, incl., 73478-H to 73480-H, incl., 77058-H to 77061-H, incl., 77072-H to 77076-H, incl.)

**LIBELS FILED:** Between the approximate dates of February 4 and April 25, 1947, Western District of Missouri, Northern and Southern Districts of Ohio, Eastern District of Michigan, and Western District of Wisconsin.

**ALLEGED SHIPMENT:** Between the approximate dates of February 20, 1946, and January 7, 1947, by the California Wine Co. and its successor, the Wine Corporation of America, from Chicago, Ill.

**PRODUCT:** 1,929 cases of wine at Kansas City, Mo.; Columbus and Cleveland, Ohio; Lansing, Mich.; and Stevens Point, Eau Claire, Rhinelander, and Superior, Wis. The cases contained 24 1-pint bottles, 12 ½-gallon bottles, 6 ½-gallon bottles, or 4 1-gallon bottles of the product. Analysis disclosed that the various lots contained monochloroacetic acid in amounts ranging from 108 to 367 parts per million.

**LABEL, IN PART:** "American Mogen David Wine A Sweet Kosher Grape Wine," or "Barloma American Blackberry [or "White," or "Red"] Sweet Wine."

**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 Section 406.

**DISPOSITION:** Between March 6 and July 16, 1947. Ambrose & Co. having appeared as claimant for the Missouri lot, and no claimant having appeared for the other lots, judgments of condemnation were entered. The Missouri lot of the product was ordered released under bond for the destruction of the contents of the bottles and the salvaging of the bottles and the cases, and the other lots were ordered destroyed.

**12824. Adulteration of wine. U. S. v. 78 Cases \* \* \* (and 5 other seizure actions).** (F. D. C. Nos. 22553, 22590, 22639, 22767, 22953, 23059. Sample Nos. 65773-H, 69726-H, 69731-H to 69734-H, incl., 73135-H, 73604-H, 77349-H.)

**LIBELS FILED:** Between February 20 and May 29, 1947, District of Minnesota, Southern and Northern Districts of Ohio, Eastern District of Michigan, and Eastern District of Pennsylvania.