

# FEDERAL SECURITY AGENCY

## FOOD AND DRUG ADMINISTRATION

### NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

13201-13350

#### FOODS

The cases reported herewith were instituted in the United States district courts by the United States attorneys acting upon reports submitted by direction of the Federal Security Administrator.

OSCAR R. EWING, *Administrator, Federal Security Agency.*

WASHINGTON, D. C., *December 28, 1948.*

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#### BEVERAGES AND BEVERAGE MATERIALS

**13201. Adulteration and misbranding of beer. U. S. v. 1,398 Cases. \* \* \***  
(F. D. C. No. 22400. Sample No. 53561-H.)

**LIBEL FILED:** January 18, 1947, Eastern District of Tennessee.

**ALLEGED SHIPMENT:** On or about September 28, 1946, by the Hartig Co., from Watertown, Wis.

**PRODUCT:** 1,398 cases, each containing 24 bottles, of beer at Johnson City, Tenn.

**LABEL, IN PART:** "Hartig's Special Beer Contents 12 Fluid Oz.," or "Old Wisconsin Premium Beer Contents 12 Fluid Oz."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product was unfit for food by reason of the presence of a large amount of sediment, and the fact that it was sour and unpalatable; and (Hartig's Special Beer), Section 402 (a) (2), it 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 food and could have been avoided by good manufacturing practice.

Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (The bottles contained less than the declared 12-fluid ounces.)

DISPOSITION: March 10, 1947. South Dixon, trading as the South Dixon Distributing Co., claimant, Johnson City, Tenn., having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the contents be destroyed and the bottles salvaged under the supervision of the Food and Drug Administration.

**13202. Adulteration and misbranding of grape drink. U. S. v. Army Packing Co., Inc., and Louis Blumenthal and Ralph Blumenthal. Pleas of guilty. Fines of \$100 against corporation, \$200 against Louis Blumenthal, and \$75 against Ralph Blumenthal. (F. D. C. No. 23268. Sample No. 90891-H.)**

INFORMATION FILED: January 15, 1948, Northern District of New York, against the Army Packing Co., Inc., Utica, N. Y., Louis Blumenthal, president, and Ralph Blumenthal, secretary-treasurer.

ALLEGED SHIPMENT: On or about August 10, 1946, from the State of New York into the State of New Jersey.

LABEL, IN PART: "Southern Grape Drink."

NATURE OF CHARGE: Adulteration, Section 402 (b) (4), artificial color and citric acid had been added to and mixed and packed with the product so as to make it appear to be grape juice, which is better and of greater value than the product.

Misbranding, Section 403 (a), the statement "Grape Drink" displayed on the bottles was false and misleading. The statement represented and suggested that the product contained a significant amount of grape juice, whereas it was an artificially colored acidulated beverage, containing an insignificant amount of grape juice; and, Section 403 (k), the product contained artificial coloring and a chemical preservative, sodium benzoate, and failed to bear labeling stating that fact.

DISPOSITION: May 10, 1948. Pleas of guilty having been entered, the court imposed fines of \$100 against the corporation, \$200 against Louis Blumenthal, and \$75 against Ralph Blumenthal.

**13203. Adulteration and misbranding of grape juice. U. S. v. Louis Blumenthal and Ralph Blumenthal (Aunt Lil's Food Products, Inc.). Pleas of guilty. Fines of \$900 against Louis Blumenthal and \$225 against Ralph Blumenthal. (F. D. C. No. 23269. Sample Nos. 66790-H, 66791-H, 66793-H, 66794-H, 87778-H.)**

INFORMATION FILED: January 15, 1948, Northern District of New York, against Louis Blumenthal and Ralph Blumenthal, at the time of the shipments charged, president and secretary-treasurer, respectively, of Aunt Lil's Food Products, Inc., Utica, N. Y.

ALLEGED SHIPMENT: On or about March 19 and 20 and June 11, 1947, from the State of New York into the State of New Jersey.

LABEL, IN PART: "Aunt Lil's Pasteurized Concord Grape Juice \* \* \* Aunt Lil's Food Products, Inc. Utica, New York," or "Grape Valley Pasteurized Concord Grape Juice \* \* \* Manufactured By Grape Valley Juice Co., Inc. Utica, N. Y."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing added water had been substituted in part for grape juice; and, Section 402 (b) (4), water had been added to and mixed with the article so as to reduce its quality and strength.

Misbranding, Section 403 (a), the statements "Grape Juice \* \* \* Sugar Added," borne on the labels, were false and misleading, since they represented and suggested that the article consisted of grape juice and sugar, whereas it consisted of grape juice and sugar with added water; and, Section 403 (e) (2), the product was in package form and failed to bear a label containing an accurate statement of the quantity of the contents, since the label bore the statement "Contents One Quart," whereas the bottles contained less than 1 quart.

DISPOSITION: May 10, 1948. Pleas of guilty having been entered on behalf of the defendants, the court imposed a fine of \$900 against Louis Blumenthal and \$225 against Ralph Blumenthal.