

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]

8651-8800

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.

MAURICE COLLINS, *Acting Administrator, Federal Security Agency.*
WASHINGTON, D. C., June 27, 1946.

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BEVERAGES AND BEVERAGE MATERIALS

8651. **Adulteration of beer and ale.** U. S. v. 12,770 Cases of Beer and Ale (and 1 other seizure action against beer and ale). Consent decrees of destruction. (F. D. C. Nos. 14055, 15802. Sample Nos. 63580-F to 63585-F, incl., 11524-H.)

LIBELS FILED: October 19, 1944, and April 6, 1945, Eastern District of South Carolina and District of Massachusetts.

ALLEGED SHIPMENT: Between the approximate dates of September 14, 1944, and February 23, 1945, by the Commonwealth Brewing Corporation, from Springfield, Mass., and by the Tru Blu Co., from Norfolk, Va. The shipment of February 23 was a return shipment made by the Tru Blu Co. to the Commonwealth Brewing Co.

PRODUCT: 12,770 cases, each containing 24 12-ounce bottles, of beer and ale at Columbia, S. C., and 848 similar cases of beer and ale at Springfield, Mass.

LABEL, IN PART: "Gold Medal Tivoli Beer," "Dartmouth Cream Ale," "Bay State Ale," "New England Ale," or "Bay State Beer."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the articles contained an added poisonous and deleterious substance, fluorine, which was unsafe within the meaning of the law since it was not required in their production and could have been avoided by good manufacturing practice.

DISPOSITION: April 6 and June 8, 1945. The L. P. Wine and Beer Co., Columbia, S. C., and the Commonwealth Brewing Corporation, claimants, having consented to the entry of decrees, judgments were entered ordering the destruction of the beer and ale and the release of the empty containers to the claimants.

8652. Misbranding of liquid stabilizer. U. S. v. 14 Jugs of Liquid Stabilizer. Default decree of condemnation and destruction. (F. D. C. No. 15274. Sample No. 93612-F.)

LABEL FILED: March 1, 1945, District of New Jersey.

ALLEGED SHIPMENT: On or about April 18, 1945, by Edward I. Lowell, from New York, N. Y.

PRODUCT: 14 1-gallon jugs of liquid stabilizer at Bloomfield, N. J.

LABEL, IN PART: "Liquid Stabilizer An Inhibitor Containing Monochloracetic Acid," or "Liquid Stabilizer."

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

DISPOSITION: May 11, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8653. Adulteration of tomato juice. U. S. v. 498 Cases of Tomato Juice. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 15369. Sample No. 3019-H.)

LABEL FILED: March 12, 1945, District of Columbia.

ALLEGED SHIPMENT: On or about January 12, 1945, by The Adams Apple Products Corporation, from Aspers, Pa.

PRODUCT: 498 cases, each containing 6 3-quart cans, of tomato juice at Washington, D. C.

LABEL, IN PART: "D. Mann Pure Natural Tomato Juice."

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

DISPOSITION: June 25, 1945. The Adams Apple Products Corporation, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the good portion be segregated from the bad under the supervision of the Food and Drug Administration.

8654. Adulteration and misbranding of tomato juice. U. S. v. 1,036 Cases of Tomato Juice. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 15121. Sample No. 98437-F.)

LABEL FILED: January 29, 1945, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about November 21, 1944, by the Albany Canning Co., Albany, Oreg.

PRODUCT: 1,036 cases, each containing 24 unlabeled No. 2½ tins, of a product at St. Louis, Mo., which was invoiced as tomato juice.

LABEL, IN PART: (Cases) "24 No. 2½ Tins Tomato Pulp."

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

Misbranding, Section 403 (e) (1), the product failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 403 (e) (2), it failed to bear an accurate statement of the quantity of the contents; Section 403 (g) (1), it was invoiced as tomato juice, a food for which a definition and standard of identity has been prescribed by the regulations, but it failed to conform to the definition and standard since it was not free from skins and seeds; and, Section 403 (g) (2), the label failed to bear the name of the food specified in the definition and standard.

DISPOSITION: April 3, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution, conditioned that the unfit portion be segregated and destroyed, or denatured, by that institution.