

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]

9601-9800**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., *May 29, 1947.*

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BEVERAGES AND BEVERAGE MATERIALS

9601. Adulteration of beer. U. S. v. 916 Cases of Beer (and 2 other seizure actions against beer). One action tried to the court. Judgment for the Government. Decree of condemnation and destruction; default decree of condemnation and destruction entered in remaining actions. (F. D. C. Nos. 17157, 17268, 17488. Sample Nos. 36417-H, 36419-H, 36422-H.)

LIBELS FILED: Between August 23 and September 19, 1945, Western District of Washington.

ALLEGED SHIPMENT: On or about February 5 and 10, 1944, by the Commonwealth Brewing Corp., from Springfield, Mass.

PRODUCT: 1,125 cases, each containing 24 bottles, of beer at Seattle, Wash. Analysis disclosed that the product contained between 19 parts and 25 parts per million of fluorine.

LABEL, IN PART: (Bottle) "Contents 12 Fl. Ozs. Oxford Brand Beer."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product contained an added poisonous and deleterious substance, fluorine, which is unsafe within the meaning of the law since it is a substance not required in the production of the beer and could have been avoided by good manufacturing practice.

DISPOSITION: On November 30, 1945, W. R. Vaughn, trading as the Alaska Pacific Sales Co., and Kate Johnson, having appeared as claimants to contest the seizure of the 916-case lot, the matter came on for trial. On December 17, 1945, after consideration of the testimony and the arguments of counsel, the court handed down its findings of fact and conclusions of law that the product was adulterated as alleged in the libel. The court then ordered that the product be condemned and destroyed. On January 17, 1946, no claimant having appeared for the other lots, judgments of condemnation were entered and those lots were ordered destroyed.

9602. Adulteration of beer. U. S. v. 67 Cases of Beer. Default decree of condemnation and destruction. F. D. C. No. 16977. Sample No. 36242-H.)

LIBEL FILED: August 4, 1945, District of Oregon.

ALLEGED SHIPMENT: Between the approximate dates of September 6, 1944, and October 26, 1945, by the Perplies Brewing Co., from Jefferson, Wis.

PRODUCT: 67 cases, each containing 24 12-ounce bottles, of beer at Milwaukee, Wis.

LABEL, IN PART: "Perplies Beer."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of clumps of mold and nondescript dirt.

DISPOSITION: September 10, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

9603. Adulteration and misbranding of grape juice. U. S. v. 18 Cases of Grape Juice (and 5 other seizure actions against grape juice). Default decrees of condemnation and destruction. (F. D. C. Nos. 15357, 16076, 16125, 16297, 16344, 16370. Sample Nos. 5610-H, 5826-H, 5831-H, 6156-H, 6158-H, 6979-H.)

LIBELS FILED: On or about March 10, April 30, May 8 and 25, and June 5 and 20, 1945, District of New Jersey.

ALLEGED SHIPMENT: Between the approximate dates of October 6 and December 18, 1944, by the Superior Packing Co., from New York, N. Y.

PRODUCT: Grape Juice. 44 bottles and 187 cases at Newark, N. J.; 12 cases at Passaic, N. J.; and 150 cases at Irvington, N. J. Each case contained 12 bottles.

LABEL, IN PART: "Capitol Brand Grape Juice * * * Aurora Juices Packing Co., Distributors, Albany, N. Y."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), an artificially flavored and colored mixture of water, sugar, and acid or acids, had been substituted in whole or in part for grape juice; and, Section 402 (b) (4), artificial flavoring and coloring had been added to the product and mixed and packed with it so as to make it appear better and of greater value than it was.

Misbranding, Section 403 (a), the label statement, "Grape Juice Made from: Concentrated Grape Juice Sugar Added," was false and misleading; and, Section 403 (k), the article contained artificial flavoring and coloring, and it failed to bear labeling stating that fact.

DISPOSITION: May 11, July 13, 23, and 30, 1945, and May 13, 1946. The United Food Co., Irvington, N. Y., claimant for the Irvington lot, having withdrawn its claim, and no claimant having appeared for the other lots, judgments of condemnation were entered and the product was ordered destroyed.

9604. Adulteration of canned orange juice. U. S. v. 510 Cases of Orange Juice (and 6 other seizure actions against orange juice). Default decrees of condemnation and destruction. (F. D. C. Nos. 16939, 17123, 17124, 17141, 17651, 17652, 17924. Sample Nos. 3118-H, 3119-H, 6175-H, 6176-H, 31660-H, 31676-H, 31799-H.)

LIBELS FILED: July 28, August 20 and 22, and October 11, 1945, Southern District of California, District of Columbia, and Southern District of New York.

ALLEGED SHIPMENT: Between the approximate dates of March 31 and April 27, 1945, by the Christensen Products Co., from Haines City, Fla.

PRODUCT: Orange juice. 590 cases at San Diego, Calif.; 395 cases at Washington, D. C.; 390 7/24 cases at Los Angeles, Calif.; and 425 cases at New York, N. Y. Each full case contained 24 1-pint, 2-ounce cans, of the product.

LABEL, IN PART: "Tropic Gold Brand Fancy Unsweetened Orange Juice."