

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]

10351-10500**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., August 1, 1947.

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BEVERAGES AND BEVERAGE MATERIALS*

10351. Misbranding of ale. U. S. v. 59 Cases * * *. (F. D. C. No. 21956. Sample No. 64545-H.)

LABEL FILED: December 9, 1946, District of New Jersey.

ALLEGED SHIPMENT: On or about October 28, 1946, by Edward and John Burke, Ltd., from Long Island City, N. Y.

PRODUCT: 59 cases, each containing 24 12-ounce bottles, of ale at Newark, N. J. Examination showed that the product was short-volume.

LABEL, IN PART: "Burke's Ale Contents 12 Fluid Oz."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the label of the article failed to contain an accurate statement of the quantity of the contents.

*See also Nos. 10394, 10463-10466.

DISPOSITION: February 10, 1947. Edward and John Burke, Ltd., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the bottles be emptied of their contents, under the supervision of the Food and Drug Administration.

10352. Adulteration of beer. U. S. v. 1,021 Cases * * * (and 7 other seizure actions). (F. D. C. Nos. 21174, 21315 to 21317, incl., 21348, 21354, 21420, 21422. Sample Nos. 16496-H, 36197-H, 39817-H, 39818-H, 40750-H, 40784-H, 41505-H, 48030-H, 48031-H.)

LIBELS FILED: Between the dates of October 9 and November 6, 1946, Western District of Oklahoma, Eastern District of Missouri, Northern District of Illinois, and District of New Mexico.

ALLEGED SHIPMENT: Between the approximate dates of September 12 and 27, 1946, by King Cole Breweries, Inc., from Chicago Heights, Ill.

PRODUCT: Beer. 1,021 cases at Clinton, Okla., 222 cases at St. Louis, Mo., 140 cases at Cape Girardeau, Mo., 12 cases at De Soto, Mo., 1,494 cases at Faithorn, Ill., and 1,800 cases at Albuquerque, N. Mex. Each case contained 24 12 fluid-ounce bottles of beer.

LABEL, IN PART: "Headlite Lager Beer," or "Lager King's Brew Beer."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the product 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.

DISPOSITION: November 26 and December 3 and 9, 1946. The King Cole Breweries Co., Inc., having appeared as claimant for the Clinton, Cape Girardeau, Faithorn, and one of the St. Louis lots, and having consented to the entry of decrees, and no claimant having appeared for the other 2 St. Louis lots, or the De Soto and Albuquerque lots, judgments of condemnation were entered. It was ordered that the Clinton, Cape Girardeau, Faithorn, and 1 St. Louis lot be released under bond, conditioned that the contents be destroyed. The other 2 St. Louis lots and the De Soto lots were ordered destroyed and the containers sold. The Albuquerque lot was ordered destroyed.

10353. Adulteration of beer. U. S. v. 2,000 Cases * * *. F. D. C. No. 21844, Sample No. 71060-H.)

LIBEL FILED: December 9, 1946, Southern District of California.

ALLEGED SHIPMENT: On or about October 31, 1946, by the Koller Brewing Co., from Chicago, Ill.

PRODUCT: 1,000 cases, each containing 24 12-ounce bottles, and 1,000 cases, each containing 12 quart bottles, of beer at San Bernardino, Calif.

LABEL, IN PART: "Kollers Topaz Beer."

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 the law since it is a substance not required in the production of the article and could have been avoided by good manufacturing practice.

DISPOSITION: January 17, 1947. Albin J. Carlson, San Bernardino, Calif., 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 beer be destroyed under the supervision of the Federal Security Agency.

10354. Adulteration of beer. U. S. v. 27 Cases * * *. (F. D. C. No. 21421. Sample No. 45232-H.)

LIBEL FILED: November 5, 1946, Southern District of California.

ALLEGED SHIPMENT: On or about September 26, 1946, by Den Mar Distributors, from Chicago, Ill.

PRODUCT: 27 cases, each containing 24 12-ounce bottles, of beer at Bakersfield, Calif.

LABEL, IN PART: "Headlite Lager Beer * * * King Cole Breweries, Inc., Chicago Heights, Ill."