

ALLEGED SHIPMENT: On or about December 1, 1945, by A. A. Freund, from Buffalo, N. Y.

PRODUCT: 84 cases, each containing 24 pint bottles, of imitation fruit sirups at Manayunk, Pa. Examination showed that the products were fermented.

LABEL, IN PART: "Imitation Strawberry [or "Orange," "Raspberry," or "Cherry"] Frute-Ade Syrup 1 Pint Made By Atlantic Food Packing Co. Trenton, N. J."

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

DISPOSITION: March 26, 1946. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

10906. Adulteration of beverage bases. U. S. v. 2 Barrels * * * (and 4 other seizure actions). (F. D. C. Nos. 19601, 19789, 19790, 20000, 20228. Sample Nos. 45438-H, 45556-H to 45559-H, incl., 51201-H, 57102-H, 57105-H, 59006-H.)

LIBELS FILED: Between the dates of April 23 and June 7, 1946, Northern District of California and Districts of Minnesota, Montana, and Massachusetts.

ALLEGED SHIPMENT: Between the approximate dates of July 2, 1945, and March 21, 1946, by C. O. and W. D. Sethness Co., from Chicago, Ill.

PRODUCT: Beverage bases. 2 10-gallon barrels at Red Wing, Minn., 16 1-gallon jugs and 5 1-gallon jugs at San Francisco and Stockton, Calif., respectively, 8 1-gallon bottles at Havre, Mont., and 2 1-gallon bottles at Swampscott, Mass.

LABEL, IN PART: "Cosco Grape," "Cosco Golden Dawn Lemonade," "Cosco Dairy Orange," "Cosco Imitation Cherry Soda Water Flavor," "Cosco Orange * * * Concentrate," or "Cosco Golden Dawn Orange Base."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the articles 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 articles and could have been avoided by good manufacturing practice.

DISPOSITION: Between the dates of June 19 and October 21, 1946. No claimant having appeared for any of the lots, judgments of condemnation were entered and the products were ordered destroyed.

10907. Misbranding of beverage stabilizer. U. S. v. 3 Jugs * * *. (F. D. C. No. 19621. Sample No. 46076-H.)

LIBEL FILED: April 15, 1946, Northern District of California.

ALLEGED SHIPMENT: On or about May 3, 1945, by the Penrith-Akers Manufacturing Co., from Minneapolis, Minn.

PRODUCT: 3 1-gallon jugs of beverage stabilizer at Sacramento, Calif.

LABEL, IN PART: "P. and A. Brand Gallon Pacex A Stabilizer containing water, salts, and esters of monochloroacetic acid."

NATURE OF CHARGE: Misbranding, Section 403 (a), the labeling was misleading since the trade name "Pacex" coupled with the directions for use represented to purchasers that the article was wholesome and suitable for use as a component of beverage sirup and beverage for man. The article contained per 100 cc. about 6 grams of monochloroacetic acid, which is a poisonous and deleterious substance, and the labeling failed to reveal the material fact that the product contained a poisonous and deleterious substance.

DISPOSITION: June 26, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

CEREALS AND CEREAL PRODUCTS

BAKERY PRODUCTS

10908. Adulteration of bakery products. U. S. v. Robert M. Lehman (Cake Box Products). Plea of nolo contendere. Fine, \$300. (F. D. C. No. 19536. Sample Nos. 44044-H, 44045-H, 44167-H to 44170-H, incl.)

INFORMATION FILED: May 29, 1946, Southern District of California, against Robert M. Lehman, trading as Cake Box Products, Los Angeles, Calif.

ALLEGED SHIPMENT: On or about November 19 and 20, 1945, from the State of California into the State of Arizona.

LABEL, IN PART: "Challenger Rolls * * * Fresh from the Cake Box," or "Crown Cinnamon Rolls * * * Crown Bakery."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of rodent hairs, hairs resembling rodent hairs, an unidentified hair, insect fragments, a larva, and a larval fragment; and, Section 402 (a) (4), they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: June 24, 1946. A plea of nolo contendere having been entered by the defendant, the court imposed a fine of \$50 on each count, a total fine of \$300.

10909. Adulteration of bakery products. U. S. v. Edward V. Mead (Mead's Bakery). Plea of nolo contendere. Judgment of guilty. Fine, \$400. (F. D. C. No. 19510. Sample Nos. 25919-H to 25922-H, incl., 26681-H to 26684-H, incl.)

INFORMATION FILED: March 29, 1946, Western District of Texas, against Edward V. Mead, trading as Mead's Bakery, El Paso, Tex.

ALLEGED SHIPMENT: On or about July 2 and September 14, 1945, from the State of Texas into the State of New Mexico.

LABEL, IN PART: "Mead's Fine Glazed Donuts [or "Fine Cakes," "Wheat Bread," "Fine Bread," or "Fine Pullman White Sliced"]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (4), the products consisted in whole or in part of filthy substances by reason of the presence of insect parts and fragments, rodent hair, cat hair, human hair, feather barbules, hairs similar to rodent and cat hairs, and nondescript filth; and, Section 402 (a) (4), they had been prepared, packed, and held under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: April 19, 1946. The defendant having entered a plea of nolo contendere, the court directed that a plea of not guilty be entered on the record. Thereupon the case was submitted to the court on pleadings and evidence on behalf of the Government. The defendant offered no defense, and he was found guilty and fined \$400.

10910. Adulteration of bread. U. S. v. Cuneo Bros. & Co. and Pietro Torre. Pleas of nolo contendere. Fine of \$1,000 against Pietro Torre; case against Cuneo Bros. & Co. dismissed. (F. D. C. No. 19532. Sample Nos. 29188-H, 29251-H.)

INFORMATION FILED: April 25, 1946, Northern District of California, against Cuneo Bros. & Co., a partnership, San Francisco, Calif., and Pietro Torre, a partner.

ALLEGED SHIPMENT: On or about July 27 and November 29, 1945, from the State of California into the State of Nevada.

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 insect fragments, rodent hairs, cat hairs, rabbit hairs, unidentified hairs, and feather barbules; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 25, 1946. The defendants having entered pleas of nolo contendere, the court imposed a fine of \$500 on each count against Pietro Torre and ordered that the case against the partnership be dismissed upon payment of this fine.

10911. Adulteration of cookies, crackers, and cracker meal. U. S. v. The Maryland Biscuit Co., W. Tilghman Scott, and Andrew M. Gray. Pleas of guilty. Fine of \$200 and costs against each defendant. (F. D. C. No. 19520. Sample Nos. 3190-H to 3194-H, incl., 4797-H, 41844-H to 41849-H, incl., 41855-H to 41857-H, incl.)

INFORMATION FILED: March 29, 1946, District of Maryland, against The Maryland Biscuit Co., a corporation, Baltimore, Md., and W. Tilghman Scott, vice president, and Andrew M. Gray, plant superintendent, of the corporation.

ALLEGED SHIPMENT: Between the approximate dates of February 22 and March 5, 1946, from the State of Maryland into the State of Virginia, the District of Columbia, and the State of Delaware.