

BEVERAGES AND BEVERAGE MATERIALS*

24251. Grapette pop. (F. D. C. No. 40455. S. Nos. 78-216 M, 78-238 M.)

INFORMATION FILED: 10-28-57, W. Dist. Mo., against Nesbitt Grapette Bottling Co., Inc., t/a Frostie Grapette Bottling Co., Kansas City, Mo., and Robert E. Miller, secretary-treasurer of the corporation.

SHIPPED: 6-24-57 and 7-15-57, from Missouri to Kansas.

LABEL IN PART: (Btl.) "Grapette Contains 6 Fl. Oz. Grape Soda" and "Contains 6 Oz. Grapette Soda Imitation Grape Flavor."

CHARGE: 402 (a) (3)—the article in the July 15 shipment contained mold filaments; and 402 (a) (4)—the article in both shipments had been prepared under insanitary conditions.

PLEA: Not guilty.

DISPOSITION: The case came on for trial before the court without a jury on 2-7-58. The trial was concluded on 2-8-58, at which time the court handed down a verdict of not guilty with respect to the individual and dismissed the charge under 402 (a) (4) with respect to the article in the shipment of July 15.

The court rendered a verdict of guilty against the corporation with respect to the charge under 402 (a) (3) relating to the July 15 shipment, and to the charge under 402 (a) (4) relating to the June 24 shipment. The court fined the corporation \$1,000.

24252. Whisky. (F. D. C. No. 40759. S. No. 14-572 M.)

QUANTITY: 4 cases, each containing 6 $\frac{1}{2}$ -gal. btls., 9 cases, each containing 6 1-qt. btls., 1 case containing 12 $\frac{1}{4}$ -qt. btls., and 6 $\frac{1}{2}$ -pt. btls. at University City, Mo.

SHIPPED: Prior to 6-14-57, from Owensboro, Ky.

RESULTS OF INVESTIGATION: Examination showed that the article was involved in a flood which occurred in the St. Louis area, and was submerged in flood waters while stored in a basement.

LIBELED: 10-1-57, E. Dist. Mo.; amended libel filed on 11-4-57.

CHARGE: 402 (a) (4)—while held for sale, the article was held under insanitary conditions whereby it may have become contaminated by filth due to having been submerged in flood waters.

DISPOSITION: 12-6-57. Consent—destruction.

24253. Coffee. (F. D. C. No. 40777. S. No. 85-123 M.)

QUANTITY: 17 cases, 24 cans each, at Lafayette, Ind.

SHIPPED: 7-14-57, from Cicero, Ill., by Plochman & Harrison.

LABEL IN PART: "Sky Main Drip Grind Coffee—One Pound Net."

RESULTS OF INVESTIGATION: Examination showed that the article was short weight.

LIBELED: 10-9-57, N. Dist. Ind.

CHARGE: 403 (e) (2)—when shipped, the label of the article failed to bear an accurate statement of the quantity of contents.

DISPOSITION: 12-9-57. Default—delivered for the use of a county institution.

*See also No. 24348.