

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]

12001-12200

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.

OSCAR R. EWING, *Administrator, Federal Security Agency.*

WASHINGTON, D. C., *March 29, 1948.*

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BEVERAGES AND BEVERAGE MATERIALS

12001. Adulteration of ale and beer. U. S. v. 549 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 22311, 22710. Sample Nos. 65596-H, 66208-H, 66209-H.)

LIBELS FILED: February 26 and March 18, 1947, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: Between the approximate dates of November 19 and December 5, 1946, by the Burton Brewing Co., from Patterson, N. J.

PRODUCT: 549 cases, each containing 24 bottles, of beer, 6 cases, each containing 12 bottles, of ale, and 929 cases, each containing 12 bottles, of beer at Collingdale, Pa. The products contained clumps of mold, and portions contained also insect parts and nondescript dirt.

LABEL, IN PART: "Graham's Premium Ale," or "Morlein Premium Beer."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance, and portions consisted also in whole or in part of a filthy substance; and, Section 402 (a) (4), (935 cases) the product had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 25 and April 15, 1947. The Burton Brewing Co. having appeared as claimant, judgments of condemnation were entered and the products were ordered destroyed. The claimant was permitted to salvage the containers.

12002. Adulteration of beer. U. S. v. 159 Cases * * * (and two other seizure actions). (F. D. C. Nos. 22358, 22447, 22575. Sample Nos. 41237-H, 67718-H, 67901-H, 73365-H, 73366-H.)

LIBELS FILED: On or about January 17 and 29 and February 26, 1947, District of Kansas, Western District of Wisconsin, and Eastern District of Arkansas.

ALLEGED SHIPMENT: Between the approximate dates of September 13 and November 16, 1946, by the Hartig Co., from Watertown, Wis.

PRODUCT: 159 cases at Wichita, Kans.; 850 cases at Marked Tree, Ark., and 3,903 cases at Watertown, Wis. The Watertown lot had been shipped to Philadelphia, Pa., but was refused by the consignee and returned to Watertown.

LABEL, IN PART: "Contents 12 Fluid Ounces Wisconsin [or "Old Wisconsin"] Premium Beer."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), (Watertown and Marked Tree lots) the Watertown lot consisted in whole or in part of a filthy substance and was otherwise unfit for food by reason of the presence of clumps of mold, rust, and dirt; and the Marked Tree lot was unfit for food due to abnormal taste and color.

Misbranding, Section 403 (e) (2), (all lots) the product failed to bear a label containing an accurate statement of the quantity of the contents, since the bottles contained less than the declared volume.

DISPOSITION: March 19 and May 5, 1947. The Chicago & Northwestern Railway Co. having appeared as claimant for the Watertown lot, and J. G. McDaniels, Jonesboro, Ark., having appeared as claimant for the Marked Tree lot, judgments of condemnation were entered and the product was ordered destroyed. The bottles and cases were ordered salvaged and returned to the claimants.

On January 21, 1947, no claimant having appeared for the Wichita lot, judgment of condemnation was entered and the product was ordered destroyed.

12003. Adulteration of beer. U. S. v. 68 Cases * * *. (F. D. C. No. 22309. Sample No. 90319-H.)

LIBEL FILED: February 25, 1947, District of Columbia.

ALLEGED SHIPMENT: On or about January 16, 1947, by the Paulsam Distributing Co., from Alexandria, Va.

PRODUCT: 68 cases, each containing 24 bottles, of beer at Washington, D. C.

LABEL, IN PART: "Koenig Brau Premium Beer Brewed and Bottled By Prima Bismarck Brewing Co. Chicago, Ill."

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: March 21, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

12004. Misbranding of beer. U. S. v. 356 Cases * * *. (F. D. C. No. 22171. Sample No. 64656-H.)

LIBEL FILED: January 10, 1947, District of Connecticut.

ALLEGED SHIPMENT: On or about November 29, 1946, by Piel Brothers, from Brooklyn, N. Y.

PRODUCT: 356 cases, each containing 24 bottles, of beer at New Haven, Conn. The product was found to be short-volume.

LABEL, IN PART: "Contents 12 Fluid Ozs. Extra Premium Piel's Light Beer."

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

DISPOSITION: March 13, 1947. Fred L. Loeser & Co., Inc., New Haven, Conn., having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for the purpose of