

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]

10201-10350

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., June 5, 1947.

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BEVERAGES AND BEVERAGE MATERIALS

10201. Misbranding of 505 Fermentation Inhibitor. U. S. v. 18 Bottles of 505 Fermentation Inhibitor. Default decree of condemnation and destruction. (F. D. C. No. 16140. Sample No. 28746-H.)

LABEL FILED: June 22, 1945, Western District of Washington.

ALLEGED SHIPMENT: On or about September 22 and December 10, 1943, and January 8 and September 28, 1944, by the Sethness Products Co., from Chicago, Ill.

PRODUCT: 18 1-gallon bottles of 505 Fermentation Inhibitor at Seattle, Wash.

NATURE OF CHARGE: Misbranding, Section 403 (a), the labeling of the article was misleading since the name "505 Fermentation Inhibitor" in combination with the label statements, "Contains: Water, Acetic Derivatives, Food Acids and

esters and ethers of Monochloroacetic acid. Use: To be used in Acid products to prevent lactic and alcoholic fermentation and the growth and multiplication of yeast bacteria," created the impression that the article was wholesome and suitable for use as a component of food used by man. The article contained monochloroacetic acid, which is a poisonous and deleterious substance, and its labeling failed to reveal the material fact, in the light of such representation, that the article contained a poisonous and deleterious substance which would render it unwholesome and unsuitable for use as a component of food used by man.

DISPOSITION: March 25, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10202. Misbranding of Sepco. U. S. v. 22 Jugs of Sepco (and 11 other seizure actions against Sepco). Default decrees of condemnation and destruction. (F. D. C. Nos. 16647, 19391 to 19393, incl., 19915, 19950, 19951, 20478, 20538, 20539, 20546, 20780. Sample Nos. 639-H, 14063-H, 23656-H, 35069-H, 38161-H, 43481-H, 48950-H, 49716-H, 52708-H, 56385-H, 65010-H, 65024-H.)

LIBELS FILED: Between June 25, 1945, and September 12, 1946, Middle District of Georgia, Eastern District of Missouri, Northern District of Ohio, Northern and Southern Districts of Texas, Eastern District of Pennsylvania, Southern District of California, Northern District of Alabama, Eastern District of Wisconsin, Western District of Oklahoma, and Southern District of Indiana.

ALLEGED SHIPMENT: Between the approximate dates of March 22, 1945, and May 13, 1946, by the Sethness Products Co., from Chicago, Ill.

PRODUCT: 118 1-gallon jugs of Sepco at Columbus, Ga., St. Louis, Mo., Cleveland, Ohio, Abilene and Houston, Tex., Philadelphia, Pa., Fullerton, Calif., Birmingham, Ala., Menasha, Wis., Woodward, Okla., and Evansville, Ind. Examination showed that the product was an aqueous solution containing between 1.26 grams and 8.47 grams of quaternary ammonium chloride per 100 cc.

NATURE OF CHARGE: Misbranding, Section 403 (a), the labeling of the article was misleading since certain statements thereon represented to purchasers of the article that it was wholesome and suitable for use as a component of food for man, whereas the article contained quaternary ammonium chloride, a poisonous and deleterious substance; and the labeling failed to reveal the material fact that the article contained a poisonous and deleterious substance.

DISPOSITION: Between July 23, 1945, and December 10, 1946. The Sethness Products Co. having appeared as claimant for the St. Louis lot and later having withdrawn such claim, and no claimant having appeared for the other lots, judgments of condemnation were entered and the product was ordered destroyed.

10203. Adulteration of strawberry juice and red raspberry puree. U. S. v. 307 Cans of Strawberry Juice and 335 Cans of Red Raspberry Puree. Consent decrees of condemnation. Products ordered released under bond. (F. D. C. Nos. 10411, 10702, 17983. Sample Nos. 18437-F, 56523-F, 9488-H.)

LIBELS FILED: August 16 and September 9, 1943, and October 18, 1945, District of New Jersey and Western District of New York.

ALLEGED SHIPMENT: On or about June 19 and 28, 1943, and September 8, 1945, by the Sunshine Packing Corporation, from North East, Pa.

PRODUCT: 307 5-gallon cans of strawberry juice at Jersey City and Hackensack, N. J., and 335 45-pound cans of red raspberry puree at Buffalo, N. Y. Examination showed that the raspberry product contained moldy raspberry material.

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

DISPOSITION: April 24 and May 13, 1946. The Sunshine Packing Corporation, claimant, having admitted the allegations of the libels, and the actions against the New Jersey lots having been consolidated, judgments of condemnation were entered and the products were ordered released under bond. It was ordered that the raspberry products be utilized for distillation purposes and that the strawberry product be disposed of so as to comply with the law, or destroyed, all under the supervision of the Food and Drug Administration.