

**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]

12801-13000

**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., June 14, 1948.

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**BEVERAGES AND BEVERAGE MATERIALS**

**12801. Adulteration of beer. U. S. v. Mankato Brewing Co., a corporation, and Dan R. Bruzek. Pleas of guilty. Corporation fined \$800; individual fined \$200. Both defendants placed on 2 years' probation. (F. D. C. No. 23608. Sample Nos. 51095-H, 52833-H.)**

**INFORMATION FILED:** November 8, 1947, District of Minnesota, against the Mankato Brewing Co., a corporation, Mankato, Minn., and Dan R. Bruzek, secretary-treasurer and general manager.

**ALLEGED SHIPMENT:** On or about June 13, 1946, and April 23, 1947, from the State of Minnesota into the State of Iowa.

**LABEL, IN PART:** "Kato Black Label Pilsner Beer."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (4), the product had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** March 11, 1948. Pleas of guilty having been entered, the corporation was fined \$800 and the individual defendant, \$200. Both defendants were placed on probation for a period of 2 years.

**12802. Adulteration of beer. U. S. v. Metropolis Brewery, Inc. Plea of guilty. Fine, \$500. (F. D. C. No. 20134. Sample No. 1601-H.)**

**INFORMATION FILED:** November 18, 1946, Southern District of New York, against the Metropolis Brewery, Inc., New York, N. Y.

**ALLEGED SHIPMENT:** On or about September 21, 1945, from the State of New York into the State of North Carolina.

**LABEL, IN PART:** "Lion Pilsener Beer."

**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 parts and dirt.

**DISPOSITION:** December 16, 1946. A plea of guilty having been entered, the defendant was fined \$500.

**12803. Adulteration of beer. U. S. v. Pilsner Brewing Co., Inc. Plea of guilty. Fine, \$1,050.** (F. D. C. No. 20135. Sample Nos. 700-H, 1047-H, 1602-H.)

**INFORMATION FILED:** November 18, 1946, Southern District of New York, against the Pilsner Brewing Co., Inc., New York, N. Y.

**ALLEGED SHIPMENT:** On or about September 20 and 25, 1945, from the State of New York into the States of North Carolina and Georgia.

**LABEL, IN PART:** "Koenigs Special New York's Premium Beer," or "Lion Pilsener Beer."

**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 parts, maggots, and dirt.

**DISPOSITION:** December 16, 1946. A plea of guilty having been entered, the defendant was fined \$1,050.

**12804. Adulteration of beer. U. S. v. 200 Cases \* \* \*. (F. D. C. No. 21750. Sample No. 67080-H.)**

**LIBEL FILED:** November 27, 1946, District of Kansas.

**ALLEGED SHIPMENT:** On or about November 5, 1946, by the Birk Bros. Brewing Co., from Galewood, Ill.

**PRODUCT:** 200 cases, each containing 24 12-ounce bottles, of beer at Hutchinson, Kans.

**LABEL, IN PART:** "Trophy 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:** December 5, 1946. The Birk Bros. Brewing Co., claimant, 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 destroying the contents and salvaging the containers.

**12805. Adulteration and misbranding of carbonated beverages. U. S. v. Mike Napple (Eagle Bottling Works). Plea of guilty. Fine, \$1,000.** (F. D. C. No. 19535. Sample Nos. 28100-H, 36402-H, 36403-H.)

**INFORMATION FILED:** May 16, 1946, Western District of Washington, against Mike Napple, trading as the Eagle Bottling Works, Seattle, Wash.

**ALLEGED SHIPMENT:** On or about April 24 and May 15 and 17, 1945, from the State of Washington into the Territory of Alaska.

**LABEL, IN PART:** "Strawberry Soda," "Root Beer," or "Pale Gingerale Dry."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of mold, masses of yeast cells, pieces of metal foil, pieces of yellow filament, and fragments of glass; and, Section 402 (a) (4), it had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

Misbranding, Section 403 (e) (1), the product failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor.

**DISPOSITION:** August 19, 1946. A plea of guilty having been entered, the defendant was fined \$1,000, plus costs.