

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

18701-18725

[Approved by the Secretary of Agriculture, Washington, D. C., April 21, 1932]

18701. Misbranding and alleged adulteration of canned grapefruit juice. U. S. v. 150 Cases, et al., of Grapefruit Juice. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26509. I. S. Nos. 22812, 22813. S. No. 4811.)

Examination of samples of canned grapefruit juice from the shipment herein described having shown that the cans contained less than the volume declared on the labels, also that portions of the article contained undeclared added sugar, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of California.

On June 17, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 150 cases each containing 24 cans, and 115 cases each containing 48 cans of grapefruit juice, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Nassau Packing Co., from Jacksonville, Fla., on or about May 6, 1931, and had been transported from the State of Florida into the State of California, and charging adulteration and misbranding in violation of the food and drugs act as amended.

A portion of the article was labeled in part: (Can) "Florida Chief Pure [The word "Pure" was omitted on certain of the cans of this lot.] Grapefruit Juice Contents 1 Pt. 2 Fl. Oz. Packed by the Grapefruit Packing Co. S. S. Goffin, Jacksonville, Florida." The remainder of the said article was labeled in part: (Can) "Florida Chief Brand Slightly sweetened [On some cans the word "Pure" appeared in place of "Slightly sweetened."] Grapefruit Juice Contents 10 Ozs. packed by the Grapefruit Packing Company S. S. Goffin, Jacksonville, Florida."

It was alleged in the libel that the article was adulterated in that added sugar had been substituted in part for the said article.

Misbranding was alleged for the reason that the statements, on the can labels, "Contents 10 Ozs." and "Contents 1 Pt. 2 Fl. Oz.," were false and misleading and deceived and misled the purchaser when applied to an article which was short volume. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package. It was also alleged in the libel that the article, with the exception of the cans bearing the words, "Slightly sweetened," was further misbranded in that the statements, "Grapefruit Juice" and "Pure Grapefruit Juice," on the labels, were false and misleading, and deceived and misled the purchaser; and for the further reason that it was offered for sale under the distinctive name of another article, to wit, grapefruit juice, which it purported solely to be.

On June 29, 1931, Hamilton & Rausher, San Francisco, Calif., having appeared as claimant for the property and having consented to the entry of a decree, judgment was entered finding the product misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the said product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$200, conditioned in part that it be made to conform to the Federal food and drugs act under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*