

FRUIT JUICES

1202. Adulteration and misbranding of grape juice. U. S. v. 16 and 14 Cartons of Grape Juice. Default decree of condemnation. Product ordered distributed to charitable institutions. (F. D. C. No. 2298. Sample No. 10698-E.)

This product was a mixture of grape juice, water, sugar, citric acid, and flavoring material.

On June 29, 1940, the United States attorney for the District of Connecticut filed a libel against 30 cartons of grape juice at Hartford, Conn., alleging that the article had been shipped in interstate commerce from Long Island City, N. Y.; and charging that it was adulterated and misbranded. It was labeled in part: (Bottles) "Walker's Grape Juice Drink Sugar Added * * * Pure Concord Grape Juice true fruit flavor, acid and water added [design of a bunch of grapes]."

The article was alleged to be adulterated in that a mixture of grape juice, water, sugar, citric acid, and flavor had been substituted for "Grape Juice, Sugar Added," which it purported to be; in that inferiority had been concealed by the addition of water, sugar, citric acid, and flavor; and in that water, sugar, citric acid, and flavor had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.

The article was alleged to be misbranded in that the prominent name "Grape Juice Sugar Added" and the design of a bunch of grapes were false and misleading since they implied that the article was sweetened grape juice; and this false and misleading impression was not corrected by the inconspicuous word "Drink" nor the relatively inconspicuous ingredient statement.

On October 16, 1940, no claimant having appeared, judgment was entered as of September 20, 1940, condemning the product and ordering its distribution to charitable institutions after removal of the labels.

1203. Misbranding and alleged adulteration of Grape Punch Base. U. S. v. 99 Cases of Grape Punch Base. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 2720. Sample No. 14371-E.)

This product was labeled to indicate that it contained a substantial amount of grape juice or concentrated grape juice. It consisted, however, of an artificially flavored and colored imitation beverage base containing less than 5 percent of grape juice or its equivalent in concentrated grape juice. A beverage made from it according to the directions in the labeling would contain less than 1 percent of grape juice. It was also short of the declared volume, and failed to comply with certain other labeling requirements of the law.

On August 30, 1940, the United States attorney for the Eastern District of Pennsylvania filed a libel against 99 cases of grape punch base at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about June 15, 1940, by the Empire Freight Co. from Los Angeles, Calif.; and charging that it was adulterated and misbranded. This article was merchandise of E. A. Silzle Co. included in a pool shipment of the Empire Freight Co. It was labeled in part: (Cans) "Citra-Gold 5 to 1 Grape Punch Base * * * Packed by E. A. Silzle Corp., Anaheim, California."

The article was alleged to be adulterated in that an artificially flavored and artificially colored imitation grape punch base containing little or no grape juice or concentrated grape juice had been substituted wholly or in part for "Grape Punch Base," an article containing a substantial amount of grape juice or concentrated grape juice, which it purported to be; in that its inferiority had been concealed by the addition of artificial flavor and color; and in that artificial flavor and artificial color had been added to the article so as to reduce its quality and make it appear better or of greater value than it was.

The article was alleged to be misbranded in that the design of a cluster of grapes and the statements "Grape Punch Base * * * Concentrated Concord Grape Juice * * * Grape Flavor * * * Grape Punch" on the can label were false and misleading as applied to an artificially flavored and artificially colored imitation grape punch base containing little or no grape juice or concentrated grape juice.

It was alleged to be misbranded further in that the statement "Net Contents 5¾ Fl. Oz." was false and misleading since it was incorrect; in that it was in package form and the package did not bear an accurate statement of the quantity of the contents since the package contained less than the declared amount; and in that it was offered for sale under the name of another food, namely, "Grape

Punch Base"; in that it was an imitation of another food, namely, grape punch base, and its label did not bear, in type of uniform size and prominence, the word "imitation," and immediately thereafter, the name of the food imitated; in that it was fabricated from two or more ingredients, and in that it contained artificial flavor which was not declared in the labeling.

On October 1, 1940, the E. A. Silzle Corporation, claimant, having admitted the allegations of the libel, judgment was entered finding the product misbranded and ordering that it be condemned but that it might be released under bond conditioned that it be properly relabeled.

1204. Adulteration of canned orange juice. U. S. v. 148 Cases of Canned Orange Juice. Default decree of condemnation and destruction. (F. D. C. No. 2647. Sample No. 35366-E.)

This product was undergoing chemical decomposition.

On August 24, 1940, the United States attorney for the Eastern District of Louisiana filed a libel against 148 cases of canned orange juice at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about March 27, 1940, by Val Vita Food Products, Inc., from Fullerton, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Val Vita Brand Pure California Orange Juice."

On September 26, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1205. Adulteration and misbranding of Fresh Fruit Breakfast Orange. U. S. v. 100 Cases of Fresh Fruit Breakfast Orange. Default decree of condemnation and destruction. (F. D. C. No. 3194. Sample Nos. 28126-E, 28127-E, 50017-E.)

This product consisted of orange juice and water with added sugar and citric acid. It was labeled to indicate that it was orange juice and was sold as such.

On October 11, 1940, the United States attorney for the District of Columbia filed a libel against 100 cases of Fresh Fruit Breakfast Orange at Washington, D. C., alleging that the article was in interstate commerce in the District of Columbia at Highland Farms Dairy; and charging that it was adulterated and misbranded.

The following statements (with the exception of that of the quantity of contents) on the bottle label were in conspicuous type: "Guaranteed Fresh Fruit Breakfast Orange Highland Farms Dairy, Washington, D. C. * * * one quart [or "one pint" or "half-pint"] liquid." The bottle cap was labeled with a design of an orange and the following statement in conspicuous type, "Breakfast Orange Guaranteed Fresh Fruit"; and with the following statements in inconspicuous type, "Fifty percent pure fresh fruit orange added lemon juice, sugar, fruit acid."

The article was alleged to be adulterated in that a mixture of orange juice, water, sugar, and citric acid had been substituted for "Fresh Fruit Breakfast Orange"; and in that water, sugar, and citric acid had been mixed or packed with the article in a manner to conceal inferiority and to make it appear better or of greater value than it was.

The article was alleged to be misbranded in that the statements "Guaranteed Fresh Fruit Breakfast Orange * * * Lemon Juice" were false and misleading since they were incorrect; in that it was an imitation orange juice and was not labeled as an imitation; in that the statements of the quantity of contents were inconspicuous; and in that the ingredient water was not declared on the label.

On October 30, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

CEREAL PRODUCTS

FLOUR

Nos. 1206 to 1215, inclusive, report seizure and disposition of flour that had been shipped in interstate commerce and was in interstate commerce at the time of examination, at which time it was found to be insect-infested. One of the lots in 1206 also contained rodent hairs.