

leading since they represented, suggested, and created in the mind of the reader the impression that the article was effective in the treatment of the condition mentioned, whereas it was not so effective; and (4) in that it purported to be and was represented as a food for special dietary uses by reason of its vitamin content, and its label failed to bear such information concerning its vitamin properties as has been determined to be, and by regulations prescribed as necessary in order fully to inform purchasers as to its value for such uses, since the label failed to bear a statement of the proportion of the minimum daily requirement for such vitamins supplied by the food when consumed in a specified quantity during a period of 1 day, as required by the regulations.

On June 8, 1943, the Post Quality Foods Co. having appeared as claimant and having admitted the allegations and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

**5109. Adulteration of tea. U. S. v. 97 Cases of East India Types of Black Tea. Default decree of condemnation and destruction. (F. D. C. No. 9788. Sample No. 17590-F.)**

The cases containing this product showed signs of having been water-damaged. The time at which such damage occurred was not determined. Examination showed the product to be moldy.

On or about April 16, 1943, the United States attorney for the District of New Jersey filed a libel against 97 cases, containing a total of 11,557 pounds, of East India types of black tea at Hoboken, N. J., alleging that the article had been shipped in interstate commerce on or about January 23, 1943, by the Standard Brands, Inc., from San Francisco, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On June 26, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**5110. Adulteration and misbranding of bar-lemon. U. S. v. 9½ Cases of Bar-Lemon. Default decree of condemnation and destruction. (F. D. C. No. 10018. Sample No. 39304-F.)**

On May 28, 1943, the United States attorney for the District of Arizona filed a libel against 9½ cases, each containing 12 bottles, of bar-lemon, at Globe, Ari. alleging that the article had been shipped in interstate commerce on or about April 24, 1943, by C. E. Stratman from San Diego, Calif.; and charging that it was adulterated and misbranded. The article was labeled in part: (Bottles) "Carl's Bar-Lemon Concentrated Lemon Juice Made From California Lemons (design of a lemon)."

The article was alleged to be adulterated (1) in that a valuable constituent, lemon juice, had been in whole or in part omitted therefrom; (2) in that an artificially colored phosphoric acid solution with added dextrose had been substituted wholly or in part for concentrated lemon juice; (3) in that inferiority had been concealed by the addition of artificial color; and (4) in that artificial color 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 (1) in that the statements, "Bar-Lemon Concentrated Lemon Juice Made From California Lemons \* \* \* Use same as lemon juice," and the design of a lemon, were false and misleading as applied to an artificially colored phosphoric acid solution with added dextrose; (2) in that it was offered for sale under the name of another food; (3) in that it was an imitation of another food, concentrated lemon juice, and its label failed to bear, in type of uniform size and prominence, the word "imitation" and immediately thereafter the name of the food imitated; (4) in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient; and (5) in that it contained artificial coloring and failed to bear labeling stating that fact.

On July 14, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**5111. Misbranding and alleged adulteration of fruit flavored beverages. U. S. v. 132 Cases of Good-Rich Orange, 33 Cases of Good-Rich Pineapple-Orange, and 3 Cases of Good-Rich Grape Fruit. Consent decree ordering product released under bond for relabeling. (F. D. C. No. 9862. Sample Nos. 7138-F to 7140-F, incl.)**

On April 29, 1943, the United States attorney for the Eastern District Arkansas filed a libel against the above-named products at Blytheville, Ark., which had been shipped on or about August 10, 1942, and January 15, 1943, by

the Good-Rich Juice Co. from Poplar Bluff, Mo.; and charging that they were adulterated and misbranded.

They were alleged to be adulterated in that mixtures of water, sugar, citric acid, fruit pulp, a small amount of sodium benzoate, and artificial color (in the orange and orange-pineapple), had been substituted wholly or in part for "Orange [or "Pineapple-Orange" or "Grape Fruit"] \* \* \* Fresh Fruit Food Product Drink," which the articles purported and were represented to be. The orange and pineapple-orange were alleged to be adulterated further in that inferiority had been concealed by the use of citric acid and artificial color, and in that citric acid and artificial color had been added thereto or mixed or packed therewith so as to make them appear better or of greater value than they were.

All articles were alleged to be misbranded (1) in that the statement "Good-Rich" was false and misleading as applied to a fruit-type beverage containing (orange) 10.7 percent, (pineapple-orange) 14.8 percent, and (grape fruit) 14.6 percent, respectively, of fruit juices; (2) in that the statement on the labels, "This is a Fresh Fruit Food Product Drink," was false and misleading since it created the impression that the articles consisted essentially of fruit juices, (3) in that they were imitations of other foods, orange juice, pineapple and orange juice, and grapefruit juice, and their labels failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the names of the foods imitated; and (4) in that they purported to be and were represented as foods for special dietary uses by reason of their vitamin B<sub>1</sub> content, and their labels failed to bear such information concerning their vitamin properties as had been determined to be, and by regulations prescribed as, necessary in order fully to inform purchasers as to their value for such uses, since their labels failed to state the proportion of the minimum daily requirement for vitamin B<sub>1</sub> contained in a specified quantity of the articles, as required by the regulations.

The "Orange" and "Pineapple-Orange" were alleged to be misbranded further in that the designs of a cut orange or grapefruit and drops of orange or grapefruit juice were false and misleading since they created the impression that the articles consisted essentially of fruit juices; and in that the statements, "To the Pure Orange Juice is added Orange Oil from the peel containing Vitamin C" and "To the Pure Grape Fruit Juice from luscious California and Texas tree-ripened Grape Fruit is added the Vitamins contained in the oil from the peel," were false and misleading since the vitamin C content was inconsequential.

The "Orange" and "Pineapple-Orange" were alleged to be misbranded also in that they were fabricated from two or more ingredients and their labels failed to bear the common or usual name of each such ingredient since "lemon acid," which is listed on the labels, is not the common or usual name for citric acid. The "Orange Fruit" was alleged to be misbranded further in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient, since citric acid was not listed on the label.

On July 29, 1943, the Good-Rich Juice Co. having admitted the allegations of the libel and having consented to the entry of a decree, the court made a finding that the product was misbranded and ordered it released under bond for relabeling, under the supervision of the Food and Drug Administration.

## CEREALS AND CEREAL PRODUCTS

### ALIMENTARY PASTES

**5112. Adulteration of spaghetti. U. S. v. 74 Boxes and 99 Boxes of Spaghetti. Default decree of condemnation and destruction. (F. D. C. No. 9860. Sample Nos. 21672-F, 21683-F.)**

This product contained insects and insect fragments, rodent hair fragments, and fragments resembling rodent hair.

On April 28, 1943, the United States attorney for the Northern District of Ohio filed a libel against 174 boxes, each containing 20 pounds, of spaghetti at Youngstown, Ohio, alleging that the article had been shipped in interstate commerce on or about March 1 and 25, 1943, by the Niagara Macaroni Manufacturing Co. from Buffalo, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: "Romano Spaghetti."

On June 18, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.