shipped in interstate commerce on or about June 20 and 21, 1943, by the Liberty Cola Distributing Co., Amarillo, Tex.; and charging that it was adulterated and misbranded. The article was labeled in part: "Rice's Fountain Cola Syrup * * * Rice Beverage Company Dallas, Texas."

The article was alleged to be adulterated in that a valuable constituent, sugar, had been in whole or in part omitted therefrom; in that saccharin had been substituted for material amounts of sugar; and in that saccharin, having no food value, had been added thereto or mixed or packed therewith so as to reduce its quality or strength. The lot at Hobbs, N. Mex., was alleged to be adulterated in that it consisted in whole or in part of a decomposed substance.

The article was alleged to be misbranded in that the statement appearing in the labeling, "Contains: Water, Sugar, Caramel Color, Glycerin, Caffeine, Phosphoric Acid, Extract Kola Nuts and Flavoring. Trace of Sodium Benzoate," was false and misleading as applied to an article containing saccharin, a non-nutritive substance.

On October 7, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5403. Adulteration and misbranding of Lem-O-Juice. U. S. v. 17 Cartons of Lem-O-Juice. Default decree of condemnation and destruction. (F. D. C. No. 10103. Sample No. 30790–F.)

On June 24, 1943, the United States attorney for the Western District of Washington filed a libel against 17 cartons, each containing 12 tins, of Lem-O-Juice at Seattle, Wash., alleging that the article had been shipped from New York, N. Y., on or about May 6, 1943, by the I. Kalfus Co., Inc.; and charging that it was adulterated and misbranded. The article was labeled in part: (Tins) "Lem-O-Juice Powdered Whole Lemon Flavor Contains: Cerelose, Tartaric Acid and Concentrated Lemon Oil from California Lemons, Starch."

The article was alleged to be adulterated in that a mixture of corn sugar, tartaric acid, terpeneless lemon oil, cornstarch, and artificial color, containing little or no powdered lemon juice, had been substituted in whole or in part for powdered lemon juice, which the article purported and was represented to be by reason of the name "Lem-O-Juice," taken in conjunction with the statements "Powdered Whole Lemon Flavor" and "Powdered Lemon Juice," (side panel), "To produce a liquid equivalent to Lemon Juice."

The article was alleged to be misbranded (1) in that the statements quoted in the preceding paragraph, and appearing on the label, were false and misleading as applied to a mixture of corn sugar, tartaric acid, terpeneless lemon oil, cornstarch, and artificial color, containing little or no powdered lemon juice; (2) in that the statement, "Chemical titration shows an approximate vitamin C content of 0.9 mg. or 1 international units vitamin C per gram," was false and misleading since 0.9 milligrams vitamin C does not equal 1 International Unit of vitamin C; and, (3) in that it contained artificial coloring and failed to bear labeling stating that fact.

On November 8, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5404. Adulteration and misbranding of orange drink. U. S. v. 24 Cases of "Flavorich Orange Drink" (and 4 additional seizure actions against Flavorich Orange Drink). Default decree of condemnation. Portions of product ordered destroyed and remainder ordered delivered to welfare organizations. (F. D. C. Nos. 10172, 10173, 10188, 10201. Sample Nos. 9619–F, 41062–F, 41063–F, 41244–F.)

On July 2, 3, 6 and 12, 1943, the United States attorneys for the Eastern District of Louisiana and the Southern District of Alabama filed libels against the following lots of Flavorich Orange Drink: 24 cases and 23 bottles at New Orleans, La., and 419 cases at Mobile, Ala.; alleging that the article had been shipped in interstate commerce within the period from on or about April 30 to June 4, 1943, by the Flavorich Juice Co., from Memphis, Tenn.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated (1) in that a valuable constituent, sugar, had been in whole or in part omitted therefrom; (2) in that saccharin had been substituted for material amounts of sugar; and (3) in that a substance, saccharin, having no food value, had been added to it or mixed or packed with it so as to reduce its quality or strength.

It was alleged to be misbranded in that the statements, "Contains Orange Juice, Water, Cane Sugar, Corn Syrup. Acidified with Lemon Juice, U. S. Certified Color and Less Than One Twentieth of 1% Sodium Benzoate," borne