

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: Cerelese, 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

on the label, was false and misleading as applied to an article containing saccharin, a non-nutritive substance.

On August 14 and October 25, 1943, no claimant having appeared, judgments of condemnation were entered. The lots located at New Orleans, La., were ordered destroyed, and those located at Mobile, Ala., were ordered delivered to welfare organizations.

5405. Adulteration and misbranding of orangeade concentrate. U. S. v. 2 Cases of Orangeade Concentrate. Default decree of condemnation. Product ordered destroyed or delivered to a charitable institution. (F. D. C. No. 10417. Sample No. 31189-F.)

On August 28, 1943, the United States attorney for the District of Oregon filed a libel against 2 cases, each containing 12 bottles, of orangeade concentrate, at Portland, Oreg., alleging that the article had been shipped on or about June 18, 1943, by the Pixie Flavor Base Co. from Los Angeles, Calif.; and charging that it was adulterated and misbranded. The article was labeled in part: (Bottle) "Pixie Natural Orangeade Concentrate * * * Directions: Mix 1 quart Concentrate with * * * to make 1 gallon of Orangeade Syrup."

The article was alleged to be adulterated in that an artificially colored mixture consisting essentially of water, acid, and orange pomace flavored with orange oil and orange juice, had been substituted for "Natural Orangeade Concentrate," which should contain only orange juice or concentrated orange juice; in that inferiority had been concealed by the addition of artificial color; and in that artificial color had been added thereto, or mixed or packed therewith, so as to make the product appear better or of greater value than it was.

It was alleged to be misbranded in that the name "Natural Orangeade Concentrate," coupled with the design of an orange and the statements under "Directions," were false and misleading since they implied that the product would make orangeade when diluted according to the directions, whereas it would not make orangeade; in that it was an imitation of another article of food, orangeade base, 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; and in that it was fabricated from two or more ingredients and the label failed to bear the common or usual name of each such ingredient, since the presence of water and orange pomace were not declared.

On October 5, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed or delivered to some charitable institution.

5406. Adulteration and misbranding of green cero tea. U. S. v. 6 Cartons and 250 Packages of Green Cero Tea. Default decree of condemnation and destruction. (F. D. C. No. 10005. Sample No. 42505-F.)

This product consisted of dried grass resembling ordinary lawn grass. The brew had a grass-like odor and taste. It had been shipped in 25-pound cartons and all but 6 cartons had been repackaged by the consignee into 1¼-ounce packages.

On May 29, 1943, the United States attorney for the Western District of Washington filed a libel against 6 cartons and 250 packages of green cero tea at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about February 3, 1943, by the K. & C. Tea Co., from St. Paul, Minn.; and charging that it was adulterated and misbranded. The cartons were labeled: "25 Lbs. American Green Cero Tea K. & C. Tea Co." The repackaged product was labeled in part: "American Green Cero Tea Packed by Commercial Importing Co., Seattle, Wash."

The article was alleged to be adulterated in that dried grass had been substituted in whole or in part for green tea which it purported and was represented to be. It was alleged to be misbranded (1) in that the name "American Green Cero Tea" was misleading as applied to dried grass; (2) in that it was offered for sale under the name of another food, green tea; and (3) in that its label failed to bear the common or usual name of the food. The product in the cartons was alleged to be misbranded further in that it was in package form and failed to bear a label containing the address of the manufacturer, packer, or distributor.

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