

They were alleged to be misbranded in that the names "Root Beer" and "Cherry Soda," appearing in their labeling, were false and misleading as applied to articles containing saccharin, a non-nutritive substance.

On November 18, 1943, no claimant having appeared, judgment of condemnation was entered and the beverage contents of the bottles were ordered destroyed, with provision for the sale of the empty bottles. (See notices of judgment on foods, Nos. 5602 and 5603, for the disposition of the remaining 4,000 cases.)

5605. Adulteration and misbranding of orange drink. U. S. v. 100 Cases of Juice Rich California Orange. Decree of condemnation and destruction. (F. D. C. No. 10749. Sample No. 25375-F.)

On September 15, 1943, the United States attorney for the Eastern District of Virginia filed a libel against 100 cases, each containing 6 half-gallon bottles, of Juice Rich California Orange in various lots at Alexandria and elsewhere in Arlington County, Va., alleging that the article had been shipped on or about September 7, 1943, by the American Stores Co. warehouse from Baltimore, Md.; and charging that it was adulterated and misbranded. It was labeled in part: (Bottles) "Citrus Products Co. Lexington 2106 Baltimore, Md."

The article was alleged to be adulterated in that an artificially colored mixture of water, about 20 percent of orange juice, added orange oil, and acid had been substituted for a drink rich in orange juice, which it purported and was represented to be; in that inferiority had been concealed by the addition of artificial color, orange oil, and acid; and in that artificial color, orange oil, and acid had been added or mixed or packed therewith so as to make it appear better or of greater value than it was.

It was alleged to be misbranded in that the statements as appearing in its labeling, "This is a Fruit Juice Food Product * * * JUCE RICH CALIFORNIA ORANGE," and the design of oranges, were false and misleading as applied to an artificially colored mixture of water, about 20 percent orange juice, added orange oil, and acid; and in that the statements "Rich in Vitamins" and "Healthful" were false and misleading due to the fact that the first was capable of leading consumers to believe that the article had substantial amounts of a number of vitamins, whereas it did not. In fact, it was very low in vitamin C content, the one vitamin which would be expected by consumers to be present in substantial amounts in an orange juice product.

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

5606. Misbranding of coffee. U. S. v. 800 Cases and 999 Cases of Coffee. Decrees of condemnation. Product ordered released under bond for relabeling. (F. D. C. Nos. 11223, 11224. Sample Nos. 49621-F, 49622-F.)

Examination showed that this product was short-weight.

On December 2, 1943, the United States attorney for the Western District of New York filed libels against 1,799 cases, each containing 12 jars, of coffee at Buffalo, N. Y., alleging that the article had been shipped on or about August 30 and October 4, 1943, from Chicago, Ill., by the Coffee Corporation of America; and charging that it was misbranded. The article was labeled in part: (Jars) "Arrow Blend Vacuum Packed Coffee One Pound Net Weight."

The article was alleged to be misbranded in that the statement "One Pound Net Weight," appearing in its labeling, was false and misleading as applied to an article that was short-weight; and in that it was a food in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

On December 28, 1943, Joseph C. Bonerb having appeared as claimant, judgments of condemnation were entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

CEREALS AND CEREAL PRODUCTS*

ALIMENTARY PASTES

5607. Adulteration of macaroni. U. S. v. 54 Cases and 12 Cases of Macaroni. Default decree of condemnation and destruction. (F. D. C. No. 10730. Sample Nos. 39733-F, 39738-F.)

Examination showed that this product contained weevils, insect fragments and insect excreta, and that a portion, 12 cases, also contained beetles.

*See also Nos. 5766, 5769, 5800.

On September 15, 1943, the United States attorney for the District of Arizona filed a libel against 66 cases, each containing 20 cellophane bags, of macaroni at Phoenix, Ariz., alleging that the article had been shipped in interstate commerce on or about April 17, 1943, by the Acme Macaroni & Cracker Co., Los Angeles, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Bags) "Vitality Brand 100% No. 1 Semolina Macaroni Packed For Vitality Macaroni Co. Los Angeles, Calif.," or "Gold Stem Brand 100% No. 1 Semolina Macaroni Products."

On October 22, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5608. Adulteration of spaghetti. U. S. v. 18 Boxes of Spaghetti. Decree of condemnation and destruction. (F. D. C. No. 10739. Sample No. 34242-F.)

On September 13, 1943, the United States attorney for the Northern District of West Virginia filed a libel against 18 boxes, containing a total of approximately 360 pounds, of spaghetti at Wheeling, W. Va., alleging that the article had been shipped on or about March 19, 1943, by the Indiana Macaroni Company, Inc., from Indiana, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, larvae, pupae, and insect fragments. The article was labeled in part: (Box) "La Gragnano Napoli Style Spaghetti."

On October 16, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5609. Misbranding of noodles. U. S. v. 500 Cases of Noodles. Default decree of condemnation and destruction. (F. D. C. No. 12423. Sample No. 35902-F.)

The labeled portion of this product was short weight.

On or about May 25, 1944, the United States attorney for the Northern District of Georgia filed a libel against 500 cases, each containing 24 packages, of noodles at Atlanta, Ga., alleging that the article had been shipped on or about January 10, 1944, by the Globe Grocery Co., from Lowell, Mass.; and charging that it was misbranded. A portion of the article was labeled in part: (Packages) "Prince Macaroni Products * * * Net Weight One Pound Manufactured By Prince Macaroni Mfg. Co., Lowell, Mass.," (cases) "Due to the shortage of boxes we used a 1-lb. printed box. This carton contains 24—8 oz. pkgs. Plain Medium Noodles." The remainder was contained in unlabeled 1-pound size packages.

The labeled packages were alleged to be misbranded in that the statement "Net Weight One Pound" was false and misleading as applied to an article that weighed only half that amount, and in that its container was so filled as to be misleading since the packages were only about half filled. The unlabeled packages were alleged to be misbranded in that the article was in package form and failed to bear a label which contained the name and place of business of the manufacturer, packer, or distributor; and in that its label failed to bear the common or usual name of the food. Both lots were misbranded in that the article was in package form and failed to bear an accurate statement of the quantity of the contents.

On June 12, 1944, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

CORN MEAL

5610. Adulteration of corn meal. U. S. v. 40 Bags of Corn Meal. Default decree of condemnation and destruction. (F. D. C. No. 11171. Sample No. 48440-F.)

On November 23, 1943, the United States attorney for the Southern District of Ohio filed a libel against 40 bags, each containing 25 pounds, of corn meal at Cincinnati, Ohio, alleging that the article, which had been consigned on or about November 11, 1943, had been transported in interstate commerce by William Feldhues from Covington, Ky.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance by reason of the presence therein of rodent excreta and rodent hairs. Some of the bags were unlabeled and some were labeled in part: "Corn Meal Made By Walton Feed Mills, Walton, Ky."

On December 27, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. Destruction of this product was effected by mixing it with regular hog feed.