and, Section 402 (b) (4), color, orange oil, and acid had been added to the product and mixed and packed with it so as to make it appear better and of greater value than it was.

Misbranding, Section 403 (a), the label statements, "Orange Ade Made from Fresh Ripe Fruit * * * Rich In Vitamins Contains the juice of fresh California oranges," were false and misleading since the product was not orangeade, it was not rich in the vitamins contained in orange juice, and it did not contain substantial amounts of the juice of fresh California oranges; and, Section 403 (c), it was an imitation of another food, orangeade, 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.

DISPOSITION: March 15, 1945. A plea of guilty having been entered by the defendant, a fine of $150 was imposed.

**8304. Adulteration and misbranding of grape juice punch. U. S. v. 178 Cases of Grape Juice Punch. Consent decree of condemnation. Product ordered released under bond.** (F. D. C. No. 14850. Sample No. 74200–F.)

LIBEL FILED: December 27, 1944, Northern District of Texas.

ALLEGED SHIPMENT: On or about November 8, 1944, by the California Associated Products Co., from Los Angeles, Calif.

PRODUCT: 178 cases, each containing 24 1-pint bottles, of grape juice punch at Dallas, Tex.

LABEL, IN PART: (Bottle) "Original Monterey Brand * * * Concord Grape Juice Punch."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (4), artificial flavor, color, and acids had been added to the article and mixed and packed with it so as to make it appear better and of greater value than it was.

Misbranding, Section 403 (a), the label statement "Concord Grape Juice Punch" was false and misleading as applied to an artificially flavored and colored solution of water, sugar, and acids, containing an insignificant amount of fruit juice or juices; Section 403 (i) (2), the product was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient; and, Section 403 (k), it contained artificial flavoring and it failed to bear labeling stating that fact.

DISPOSITION: February 1, 1945. The California Associated Products Co., claimant, having admitted the facts in the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

**8305. Misbranding of Mil-K-Botl Concentrate, Special Acid Solution, and Mil-K-Botl Color. U. S. v. 14 Cases of Mil-K-Botl Concentrate, 4½ Cases of Special Acid Solution, 1 Container of Mil-K-Botl Color, and a number of labels. Default decree of condemnation and destruction.** (F. D. C. No. 10516. Sample No. 47807–F.)

LIBEL FILED: September 3, 1943, Southern District of Illinois.

ALLEGED SHIPMENT: On or about September 18, 1942, by the Mil-K-Botl Corporation of America, from St. Louis, Mo.

PRODUCT: 14 cases, each containing 6 1-gallon cans, of Mil-K-Botl Concentrate; 4½ cases, each containing 4 1-gallon jugs, of Special Acid Solution; 1 1-gallon container of Mil-K-Botl Color; and 1 lot of labels, at Alton, Ill. The labels accompanying the articles were intended for use on the finished beverage.

Examination of samples showed that the Concentrate consisted essentially of water, fruit pomace, and orange oil, and that it contained sodium benzoate; that the Special Acid Solution was a concentrated solution of citric acid; and that the Color was a water solution of F. D. C. Yellow #6., a certifiable coal-tar color. Examination of the Concentrate and Special Acid showed that neither product contained demonstrable quantities of vitamin $B_1$.

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the following statements on the labels, which accompanied the articles when shipped in interstate commerce, and which were intended for use on the finished beverage made from these articles (with sugar and water to be added), were false and misleading: "Flavored with Fresh Oranges * * * The Vitamin Drink * * * Contains 50 Units $B_1$." The finished beverage, made in accordance with the directions on the label of the Concentrate, would not be flavored with fresh oranges, it would not be a vitamin drink, and it would not supply 50 units of vitamin $B_1$.