

When using Esterex no Benzoate of Soda is Necessary. Use $\frac{1}{2}$ ounce of Esterex to each gallon of bottling syrup. In Root Beer and Cream no acid is needed to stop ropiness if Esterex is used," and (portion), the trade-mark "Esterex" and the label statement "Contains Water and (Salts and Esters of Monochloracetic Acid)," were misleading since they created the impression that the article was wholesome and suitable for use as a component of food for man, whereas it contained monochloracetic acid, a poisonous and deleterious substance; and the labeling failed to reveal the material fact that the product contained a poisonous and deleterious substance which rendered it unwholesome and unsuitable for use as a component of food.

DISPOSITION: Between June 6 and June 18, 1945, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

8802. Adulteration of root beer concentrate. U. S. v. 9 Cases and 9 Jugs of Root Beer Concentrate. Default decrees of condemnation and destruction. (F. D. C. Nos. 15737, 15738. Sample Nos. 11227-H, 11440-H.)

LIBELS FILED: March 22 and 23, 1945, District of New Hampshire and District of Massachusetts.

ALLEGED SHIPMENT: On or about January 9 and February 23, 1945, by the Citrus Products Co., from Chicago, Ill.

PRODUCT: 9 cases, each containing 4 1-gallon jugs, and 9 1-gallon jugs of root beer concentrate at Manchester, N. H., and Fall River, Mass., respectively.

LABEL, IN PART: "Kist Beverages Root Beer Creamy Top Beverage Concentrate."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the product contained an added poisonous and deleterious substance, boric acid, which was unsafe within the meaning of the law since it was a substance not required in the production of the food, and it could have been avoided by good manufacturing practice.

DISPOSITION: May 7 and 9, 1945. No claimants having appeared, judgments of condemnation were entered and the product was ordered destroyed.

8803. Adulteration and misbranding of beverage bases. U. S. v. 27 Cases of Beverage Bases (fruit flavored sirups). Default decree of condemnation. Products ordered distributed to charitable institutions. (F. D. C. No. 15740. Sample Nos. 6610-H to 6615-H, incl.)

LIBEL FILED: On or about March 27, 1945, District of Connecticut.

ALLEGED SHIPMENT: On or about July 11, 1944, by the Ol' South Extract Co., from Rochester, N. Y.

PRODUCT: 27 cases, each containing 24 1-pint bottles, of beverage bases at Ansonia, Conn.

LABEL, IN PART: "Ol' South Strawberry [or other flavors]."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), artificially flavored and artificially colored acidulated beverage sirups had been substituted in whole or in part for fruit-flavored sirups.

Misbranding, Section 403 (a), the statements on the labels of the products, "Strawberry [or "Raspberry," "Grape," "Cherry," or "Loganberry"] A Fruit Flavored Syrup * * * Contains: Strawberry [or other flavors] Citric Acid, Cane Syrup, Water," and "Punch A Pure, Fruit Flavored Syrup * * * Contains: Grape, Cherry, Raspberry, Strawberry, Citric Acid, Cane Syrup, Water," were misleading as applied to artificially flavored and artificially colored acidulated beverage sirups; and, Section 403 (k), the products contained artificial flavor and artificial color and failed to bear labeling stating that fact.

DISPOSITION: June 6, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to charitable institutions.

8804. Adulteration and misbranding of beverage bases. U. S. v. 2,342 Cases of Beverage Bases (and 1 other seizure action against beverage bases). Consent decrees of condemnation. Products ordered released under bond. (F. D. C. Nos. 15748, 15749. Sample Nos. 30918-H to 30929-H, incl.)

LIBELS FILED: March 28, 1945, Southern District of California.

ALLEGED SHIPMENT: On or about November 5 and 22, 1944, by Holler's Concentrated Beverages, from Miami, Fla.

PRODUCT: 2,582 cases, each containing 48 bottles, of beverage bases at Los Angeles, Calif.

LABEL, IN PART: "Holler's Orange [or other flavors] Flavored Concentrate."

NATURE OF CHARGE: Adulteration, Section 402 (b) (4), artificial color in all of the flavors, and artificial flavor in the cherry, loganberry, raspberry, grape, and strawberry flavors, had been added to the articles and mixed and packed with them so as to make them appear to be beverage concentrates containing a substantial proportion of fruit juices, which concentrates are better and of greater value than were the articles.

Misbranding, Section 403 (a), the statement on the bottle labels, "Holler's flavors make delicious Jellies, Jams," and the statements in the recipe booklet enclosed in each case, "Recipe for Making * * * Jelly * * * This recipe makes one quart of delicious jelly," were misleading since the articles would not make jellies or jams. Further misbranding, Section 403 (a), the design of fruits on the cases and in the recipe booklet, and the statements on the bottle labels, "Orange [or "Lemon," "Lime," "Cherry," "Loganberry," "Raspberry," "Grape," or "Strawberry"] Flavored Concentrate," were misleading as applied to the articles, since the orange, lemon, and lime flavors consisted of artificially colored emulsions of water, acid, sugar, citrus peel oil, brominated vegetable oil, and vegetable gum, and the cherry, loganberry, raspberry, grape, and strawberry flavors consisted of artificially flavored and artificially colored solutions of water and acid, or acids.

DISPOSITION: April 12, 1945. Holler's Concentrated Beverages, claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the products were ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

8805. Adulteration and misbranding of grape juice. U. S. v. 200 Cases of Grape Juice (and 3 other seizure actions against grape juice). Default decrees of condemnation and destruction. (F. D. C. Nos. 15712 to 15715, incl. Sample Nos. 6484-H to 6487-H, incl.)

LIBELS FILED: March 26, 1945, District of New Jersey.

ALLEGED SHIPMENT: On or about February 22, 1945, by the Superior Packing Co., from New York, N. Y.

PRODUCT: 200 cases, 219 cases, and 100 cases, each containing 12 bottles, of grape juice at Hillside, Passaic, and Garfield, N. J., respectively.

LABEL, IN PART: "Capitol Brand Grape Juice Made From Concentrated Grape Juice Sugar Added. Cont. 32 Oz. Aurora Juices Packing Co., Distributors, Albany, N. Y."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), an artificially flavored and artificially colored mixture of water, sugar, and acid, or acids, had been substituted in whole or in part for grape juice; and, Section 402 (b) (4), artificial flavor and artificial color had been added to the product and mixed and packed with it so as to make it appear better or of greater value than it was.

Misbranding, Section 403 (a), the label statement, "Grape Juice Made From: Concentrated Grape Juice Sugar Added," was false and misleading; and, Section 403 (k), the grape juice contained artificial flavor and artificial color, and it failed to bear labeling stating that fact.

DISPOSITION: May 11, 1945. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

8806. Adulteration and misbranding of grape juice punch. U. S. v. 100 Cases of Grape Juice Punch. Default decree of condemnation and destruction. (F. D. C. No. 15764. Sample No. 11237-H.)

LIBEL FILED: March 29, 1945, District of Massachusetts.

ALLEGED SHIPMENT: On or about March 13, 1945, by the H & P Co., from Manchester, N. H. This was a return shipment.

PRODUCT: 100 cases, each containing 24 1-pint bottles, of grape juice punch at Cambridge, Mass.

LABEL, IN PART: (Bottles) "Concord Grape Juice Punch * * * D. A. Perkins, Inc., * * * Cambridge, Mass."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents, grape juice, grape juice concentrate, orange, and raspberry, had been in whole or in part omitted from the article; and, Section 402 (b) (4), artificial flavor and artificial color had been added to the product and mixed and packed with it so as to make it appear better or of greater value than it was.