

Misbranding, Section 403 (a), the label statements, "Grape Juice Punch * * * Grape Juice Concentrate, Orange, Raspberry * * * use to make * * * jellies," were false and misleading as applied to the article, which contained no grape juice, grape juice concentrate, orange, or raspberry; and, Section 403 (k), the article contained artificial flavor, and it failed to bear labeling stating that fact.

DISPOSITION: May 7, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8807. Adulteration and misbranding of grape juice punch. U. S. v. 40 Cases of Grape Juice Punch (and 4 other seizure actions against grape juice punch). Default decrees of condemnation. Product ordered delivered to public and charitable institutions. (F. D. C. Nos. 15762, 15765, 15767, 15769, 16050. Sample Nos. 11007-H, 11231-H, 11232-H, 11449-H, 11458-H.)

LIBELS FILED: April 2 and 23, 1945, Districts of New Hampshire and Rhode Island.

ALLEGED SHIPMENT: Between the approximate dates of January 19 and March 7, 1945, by the D. A. Perkins Co., Somerville and Boston, Mass.

PRODUCT: 20 cases, 140 cases, and 33 cases, each containing 24 1-pint bottles, and 421 1-pint bottles of grape juice punch at Nashua and Manchester, N. H., and Providence and Woonsocket, R. I., respectively. Analysis showed that the article was an artificially flavored and artificially colored mixture of water and sugar, or sugars, containing added acid, or acids.

LABEL, IN PART: "Concord Grape Juice Punch Contains Sugar, Water, Grape Juice Concentrate, Orange, Raspberry, Tartaric Acid, Artificial Color, 1/10 of 1% Benzoate of Soda."

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.

Misbranding, Section 403 (a), the label statements, "Grape Juice Punch * * * Grape Juice Concentrate, Orange, Raspberry * * * use to make * * * jellies," were false and misleading as applied to the article; and, Section 403 (k), the product contained artificial flavor, and it failed to bear labeling stating that fact.

DISPOSITION: Between May 1 and June 1, 1945, no claimant having appeared, judgments of condemnation were entered and the product was ordered delivered to public and charitable institutions.

8808. Adulteration and misbranding of peach flow. U. S. v. 22 Cases of Peach Flow. Default decree of condemnation and destruction. (F. D. C. No. 15137. Sample No. 74187-F.)

LIBEL FILED: February 3, 1945, Southern District of New York.

ALLEGED SHIPMENT: On or about November 7, 1944, by the Pure Foods Corporation, Los Angeles, Calif.

PRODUCT: 22 cases, each containing 24 1-pint cans, of peach flow at Kingston, N. Y.

LABEL, IN PART: (Cans) "Golden Flow Brand * * * Peach Flow A Nectar of Peach Pulp, Juice, Water, Sugar Fruit (Citric) Acid Added [Design of a glass of beverage and a peach]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

Misbranding, Section 403 (a), the label design of a glass containing a beverage, with a picture of a peach and the name "Peach Flow," was misleading as applied to an article which contained only 33 percent fruit.

DISPOSITION: March 13, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8809. Adulteration of Royal Crown Cola. U. S. v. Harry E. Cressman (Nehi Beverage (Nevada) Co.). Plea of nolo contendere. Fine, \$300. (F. D. C. No. 11422, Sample No. 39496-F.)

INFORMATION FILED: June 9, 1944, District of Nevada, against Harry E. Cressman, trading as the Nehi Beverage (Nevada) Co., Las Vegas, Nevada.

ALLEGED SHIPMENT: On or about September 15, 1943, from the State of Nevada into the State of California.

LABEL, IN PART: "Royal Crown Cola."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of unidentified dirt; and, Section 402 (a) (4), it had been prepared or packed under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: October 9, 1944. The defendant having entered a plea of nolo contendere, the court imposed a fine of \$300.

CEREALS AND CEREAL PRODUCTS

BAKERY PRODUCTS

8810. Adulteration of bakery products. U. S. v. Johnson Biscuit Co. Plea of guilty. Fine, \$1,200 and costs. (F. D. C. No. 15499. Sample Nos. 68339-F, 87526-F, 87614-F.)

INFORMATION FILED: May 22, 1945, Northern District of Iowa, against the Johnson Biscuit Co., a corporation, Sioux City, Iowa.

ALLEGED SHIPMENT: On or about June 28 and July 12 and 17, 1944, from the State of Iowa into the States of Ohio, Minnesota, and South Dakota.

LABEL, IN PART: "Distributors Fine Trolley Cookies Packed For Independent Bis. Co. Toledo, Ohio Devils Delight," "Our Family Slightly Salted Soda Crackers Packed For Nash-Finch, Minneapolis, Minn." or "Golden Valley Fine Products Distributed By Nash-Finch Co. Minneapolis, Minnesota, Strawberry Puff."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of insect fragments, rodent hairs, cat hairs, human hairs, unidentified hairs, a straw fiber, larvae fragments, insect larvae, a live mite, and feather fragments; and, Section 402 (a) (4), they had been prepared and packed under insanitary conditions whereby they might have become contaminated with filth.

DISPOSITION: May 22, 1945. A plea of guilty having been entered on the part of the defendant, a fine of \$400 on each of 3 counts, a total fine of \$1,200, plus costs, was imposed.

8811. Adulteration of cookies. U. S. v. 170 Boxes of Cookies. Default decree of condemnation and destruction. (F. D. C. No. 15640. Sample Nos. 22819-H to 22822-H, incl.)

LIBEL FILED: March 16, 1945, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about February 1, 1945, by the Superior Biscuit Co., from Chicago, Ill.

PRODUCT: 170 boxes, each containing 17 pounds, of cookies at Cape Girardeau, Mo.

LABEL, IN PART: "Pineapple [or "Orange," or "Strawberry"] Delight," or "Chocolate Chip Cookies."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta, rodent hairs, insect fragments, and fragments resembling rodent hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: April 11, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8812. Adulteration of crackers. U. S. v. 18 Cartons of Crackers. Default decree of condemnation and destruction. (F. D. C. No. 8311. Sample No. 17770-F.)

LIBEL FILED: September 4, 1942, Southern District of New York.

ALLEGED SHIPMENT: On or about August 17, 1942, by the Burry Biscuit Co., from Elizabeth, N. J.

PRODUCT: 18 cartons, each containing 24 10-ounce boxes, of crackers at Bronx, N. Y. The product contained insect fragments, mammalian hair fragments, and nondescript dirt.

LABEL, IN PART: "Burry's Crisp Brown Bix."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it might have become contaminated with filth.