

3505. Misbranding of Sepco. U. S. v. Sethness Products Co. and Charles H. Sethness, Jr. Pleas of guilty. Fine, \$500 and costs. (F. D. C. No. 24228. Sample Nos. 14063-H, 23656-H, 38161-H, 48950-H, 49716-H, 56385-H.)

INFORMATION FILED: April 2, 1948, Northern District of Illinois, against the Sethness Products Co., a corporation, Chicago, Ill., and Charles H. Sethness, Jr., president.

ALLEGED SHIPMENT: Between the approximate dates of October 30, 1945, and May 13, 1946, from the State of Illinois into the States of Indiana, Texas, Wisconsin, Alabama, and Oklahoma.

LABEL, IN PART: "Sepco A Tasteless Fermentation Inhibitor."

NATURE OF CHARGE: Misbranding, Section 403 (a), the labeling of the article was misleading since the label statement "Sepco A Tasteless Fermentation Inhibitor" coupled with the following directions for use appearing variously on the labels, i. e., "Directions * * * add one fluid ounce to each 125 pounds of finished product," "Directions * * * add 1/2 fluid ounce to each gallon of bottling syrup or each 6 gallons of finished drink," or "Directions: Use One Oz. To 100 Lbs.," represented to purchasers that the article was wholesome and suitable for use as a component of foods for man, whereas the article contained quarternary ammonium chloride, a poisonous and deleterious substance, and the label failed to reveal the material fact in the light of the aforesaid representations on the label, that the article contained a poisonous and deleterious substance.

DISPOSITION: June 28, 1948. Pleas of guilty having been entered on behalf of the defendants, a fine of \$500 was imposed, together with costs. Payment by either defendant would satisfy payment of the fine in full.

13506. Adulteration and misbranding of beverage base. U. S. v. 60 Gallons * * *. (F. D. C. No. 23355. Sample No. 77817-H.)

LABEL FILED: July 11, 1947, Eastern District of Washington.

ALLEGED SHIPMENT: On or about June 6, 1947, by the Sun-Dale Corp., from Denver, Colo.

PRODUCT: 60 gallons of grape beverage base at Spokane, Wash.

LABEL, IN PART: "Grape Contains Water, True-Fruit Grape Extract, Lemon Juice, Citric Acid, Citrus Oils, Sugar, Artificial Color and Flavor, 0.1% Sodium Benzoate."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents, grape juice, true fruit grape extract, and lemon juice had been omitted in whole or in part; and, Section 402 (b) (4), artificial flavoring and artificial coloring 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 designation "Grape" and the statement "Contains * * * True-Fruit Grape Extract" were false and misleading as applied to the product, which was an acidulated, artificially flavored and colored solution of sugar or sugars, containing none or an insignificant amount of grape juice or true fruit grape extract.

DISPOSITION: September 2, 1947. Default decree of condemnation and destruction.

13507. Adulteration of soda pop. U. S. v. Coca-Cola Bottling Company of Shamrock. Pleas of guilty. Fine, \$150. (F. D. C. No. 23231. Sample Nos. 72579-H to 72581-H, incl.)

INFORMATION FILED: September 6, 1947, Northern District of Texas, against the Coca-Cola Bottling Co. of Shamrock, a partnership, Shamrock, Tex.

ALLEGED SHIPMENT: On or about November 21, 1946, from the State of Texas into the State of Oklahoma.

LABEL, IN PART: "Orange-Crush Soda," "Imitation Strawberry Soda," or "2 Way."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, sugar, had been omitted; Section 402 (b) (2), a beverage sweetened in part with saccharin had been substituted for a beverage sweetened with sugar; and, Section 402 (b) (4), saccharin had been added to the food and mixed with it so as to reduce its quality.

DISPOSITION: May 20, 1948. A plea of guilty having been entered, the defendant was fined \$150.

13508. Adulteration of cola sirup. U. S. v. 47 Jars * * *. (F. D. C. No. 22112. Sample No. 54339-H.)

LIBEL FILED: December 23, 1946, Middle District of North Carolina.

ALLEGED SHIPMENT: On or about November 4, 1946, by Flavour Industries, Inc., from Chicago, Ill.

PRODUCT: 47 1-gallon jars of sirup at Biscoe, N. C.

LABEL, IN PART: "Leola Cola Syrup."

NATURE OF CHARGE: Adulteration, Section 402 (b) (4), saccharin, having no food value, had been added to the article and mixed therewith so as to reduce its quality or strength and make it appear to be a fountain sirup sweetened with sugar, which is better and of greater value than the article was.

DISPOSITION: March 21, 1947. Default decree of condemnation and destruction.

13509. Adulteration and misbranding of grape juice. U. S. v. Lillian Goodman and Hyman Goodman (Goodman Products Co.). Pleas of nolo contendere. Fine of \$1,600 against each defendant. (F. D. C. No. 14299. Sample No. 76220-F.)

INFORMATION FILED: March 11, 1946, Eastern District of New York, against Lillian Goodman and Hyman Goodman, partners, trading as the Goodman Products Co., Brooklyn, N. Y.

ALLEGED SHIPMENT: On or about April 21, 1944, from the State of New York into the State of New Jersey.

LABEL, IN PART: "Paradise Brand Cont. 1 Fl. Quart Pure Concord Grape Juice Sugar Added Packed By Paradise Packing Co. 68 Jay St. Brooklyn, N. Y."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a phosphated and sweetened mixture of grape juice and water had been substituted in whole or in part for "Grape Juice Sugar Added," which the article was represented to be; and, Section 402 (b) (4), water had been added to the article and had been mixed and packed with it so as to reduce its quality and strength.

Misbranding, Section 403 (a), the label statements "Pure Concord Grape Juice Sugar Added. This Grape Juice is the Pure Juice of the Ripe Concord Grape" were false and misleading, since the article did not consist of pure Concord grape juice, but did consist of a phosphated and sweetened mixture of grape juice and water; and, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents, since the bottles of the article contained less than one fluid quart, the amount declared on the labels.

DISPOSITION: The defendants having entered a plea of not guilty, the case came on for trial on May 14, 1947, and continued through May 15 and 16. Before the completion of the trial the defendants offered pleas of nolo contendere, which were accepted by the court. On May 29, 1947, the court imposed a sentence of \$1,600 against each defendant.

13510. Adulteration of pineapple juice. U. S. v. 313 Cases * * * (and 2 other seizure actions). (F. D. C. Nos. 24472, 24636, 24948. Sample Nos. 14866-K, 14914-K, 18553-K.)

LIBELS FILED: On or about March 11, May 21, and June 15, 1948, Southern District of Indiana and Northern District of Illinois.

ALLEGED SHIPMENT: On or about July 16 and 18 and October 6, 1947, and February 2, 1948, from Lawrenceburg, Ind., and New York, N. Y., by Schenley Affiliates, the Schenley Distributing Co., and the Schenley Distilling Corp.

PRODUCT: Pineapple juice. 313 cases at Hines, Ill., 2,492 cases at Lawrenceburg, Ind., and 12 cases at Cicero, Ill. Each case contained 6 cans.

LABEL, IN PART: "Pineapple Juice Blue Diamond Brand Contents 2 Qts. 1 Pt. 15 Fl. Ozs. Packed by Corozal Canning Co., Inc., Corozal, Puerto Rico."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of filthy and decomposed substances by reason of the presence of fly eggs, maggots, decomposed pineapple material, and moldy pineapple juice.