

BEVERAGES AND BEVERAGE MATERIALS*

15151. Adulteration of grapefruit beverage base. U. S. v. 19 Cases * * *.
(F. D. C. No. 20014. Sample No. 59251-H.)

LIBEL FILED: May 23, 1946, District of Oregon.

ALLEGED SHIPMENT: On or about March 27, 1945, by C. O. and W. D. Sethness, from Chicago, Ill.

PRODUCT: 19 cases, each containing 4 1-gallon jugs, of grapefruit beverage base at Portland, Oreg. Analysis showed that the product contained approximately 383 milligrams of monochloroacetic acid per 100 cc.

LABEL, IN PART: "Derby Grapefruit Beverage Base Contains Grapefruit Juice and Pulp, Citric Acid, Water, Sugar, Grapefruit Oil."

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

DISPOSITION: August 21, 1946. Default decree of condemnation and destruction.

15152. Adulteration of canned orange juice. U. S. v. 1,300 cases * * * (and 2 other seizure actions). (F. D. C. Nos. 23739, 23767, 24022. Sample Nos. 93403-H, 6601-K, 36303-K.)

LIBELS FILED: September 11 and 24 and December 16, 1947, District of Wyoming, Western District of Washington, and Western District of New York.

ALLEGED SHIPMENT: On or about August 4 and 20, 1947, by the Caltone Corp., from Anaheim, Calif.

PRODUCT: 3,789 cases, each containing 12 1-quart, 14-ounce cans, of orange juice at Casper, Wyo., Seattle, Wash., and Olean, N. Y. Examination showed that the product in the Olean, N. Y., lot was decomposed and that the product in the other lots was undergoing active fermentation.

LABEL, IN PART: "Our Family Unsweetened Orange Juice," "Shurfine California Orange Juice Unsweetened," and "Shurfine California Orange Juice Unsweetened National Retailer-Owned Grocers, Inc., Chicago, Ill."

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

DISPOSITION: Following seizure on September 24, 1947, of a total of 1,174 cases of the product in the Wyoming lot, the Caltone Corp., claimant, posted bond under which it was permitted to segregate the unfit portion of the product under the supervision of the Food and Drug Administration. The segregation operations resulted in the destruction of 334 cases. On August 20, 1948, the claimant having consented to the entry of a decree, judgment of condemnation was entered. In addition, it was adjudged that the claimant had conformed to the requirements of the representatives of the Food and Drug Administration; that the unfit portion of the product had been destroyed; and that the remaining portion had been disposed of as required by law; and accordingly, it was ordered that the bond be exonerated.

On October 1, 1947, the Caltone Corp., claimant for the Seattle lot, having consented to the entry of a decree, judgment of condemnation was entered and

*See also No. 15188.

the court ordered that this lot be released under bond for segregation of the unfit portion, under the supervision of the Federal Security Agency. A total of 375 cases of the 1,490 cases of the product under seizure were segregated as unfit and were destroyed.

No claimant having appeared for the Olean, N. Y., lot of the product, judgment of condemnation was entered on January 12, 1948, and the court ordered that this lot be destroyed.

15153. Adulteration of canned pineapple juice. U. S. v. 299 Cases * * *.
(F. D. C. No. 27307. Sample No. 1241-K.)

LIBEL FILED: June 9, 1949, Eastern District of South Carolina.

ALLEGED SHIPMENT: On or about April 1, 1949, by Manati Packing Co., Inc., from Manati, P. R.

PRODUCT: 299 cases, each containing 6 3-quart cans, of pineapple juice at Charleston, S. C.

LABEL, IN PART: "Dew Dipt Unsweetened Pineapple Juice."

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

DISPOSITION: August 15, 1949. Default decree of condemnation and destruction.

15154. Adulteration of tomato juice. U. S. v. Garden State Canning Co., a corporation, and Norman W. Frazer and Harold R. Gray. Corporation and Norman W. Frazer each fined \$1,000; sentence suspended against Harold R. Gray. All defendants placed on 5 years' probation. (F. D. C. No. 24820. Sample Nos. 9366-K, 13042-K, 13044-K.)

INFORMATION FILED: July 7, 1948, District of New Jersey, against the Garden State Canning Co., Hightstown, N. J., Norman W. Frazer, president, and Harold R. Gray, secretary-treasurer.

ALLEGED SHIPMENT: Between the approximate dates of October 23, 1947, and January 22, 1948, from the State of New Jersey into the States of New York and Pennsylvania.

LABEL, IN PART: "Kontos Brand Tomato Juice * * * Kontos Bros. Inc. Distributors New York, N. Y." or "Norris Tomato Juice * * * Distributed By Schuylkill Valley Grocery Co., Inc. Bridgeport, Pa."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: October 18, 1948. Pleas of guilty having been entered, the corporation and Norman W. Frazer were each fined \$1,000; sentence was suspended against Harold R. Gray; and all of the defendants were placed on 5 years' probation. The court further ordered that during the period of the probation, the defendants have nothing to do either directly or indirectly with any tomato product except whole tomatoes; that the 3,000 cases of tomato juice stored at the cannery be examined by the Department of Agriculture; and that the unfit portion be destroyed under the supervision of the Food and Drug Administration.

In addition, the court ordered the corporate defendant and Norman W. Frazer each to pay \$500 for violation of the terms of probation imposed on