

**BEVERAGES AND BEVERAGE MATERIALS**

16451. Adulteration and misbranding of canned orangeade. U. S. v. 1,000 Cases, etc. (F. D. C. No. 29087. Sample Nos. 54903-K, 54905-K.)

**LABEL FILED:** April 28, 1950, Eastern District of Louisiana.

**ALLEGED SHIPMENT:** On or about March 20 and 27 and April 11 and 14, 1950, by Sansaw Products, Inc., from Houston, Tex.

**PRODUCT:** 1,644 cases, each containing 12 1-quart, 14-fluid-ounce cans, of orangeade at New Orleans, La.

**LABEL, IN PART:** "Green Spot Orangeade Pasteurized Not Carbonated No Preservatives Contains: Filtered Water, Orange Juice, Sugar, Fruit Acid, Orange Oil, U. S. Certified Food Color Net Contents 1 Qt. 14 Fl. Oz. Delightfully delicious and tasty from the juice of tree ripened fruit Nature's food and drink tastes best Good for you" or "Green Spot Orange A Real Fruit Drink Not Carbonated No Preservatives Pasteurized for purity Contains Filtered Water, Orange Juice, Sugar, Fruit Acid, Orange Oil, U. S. Certified Food Color. Net Contents 1 Qt. 14 Fl. Oz. \* \* \* Delightfully delicious and tasty—from tree ripened fruit."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), the vitamin C constituent of orange juice had been in whole or in part omitted or abstracted from the product; and, Section 402 (b) \* (4), yellow coal-tar dyes had been mixed with the product so as to make it appear to be better and of greater value than it was, namely, an article containing substantially more orange juice than was actually present.

Further adulteration, Section 402 (b) (4), the product consisted of a mixture of reconstituted orange juice to which had been added additional water, sugar, dextrose, citric acid, and orange oil emulsion, which substances so added to the product increased the bulk thereof and made it appear to be better and of greater value than it was, namely, an article containing substantially more orange juice than was actually present.

Misbranding, Section 403 (a), the various label statements "Orangeade," "Orangeade Nature's food and drink \* \* \* Good for you," "from the juice of tree ripened fruit," "Orange," "A Real Fruit Drink," and "from tree ripened fruit," and the general design of the labels, predominately orange in color, simulating the skin of an orange with drops of orange juice and pictures of a pitcher and glasses containing an orange-colored liquid, were false and misleading since they represented and suggested that the product was composed in whole or in a large part of orange juice, whereas it contained only 15 percent reconstituted orange juice and only a small fraction of the vitamin C content of orange juice.

The product was further misbranded when introduced into, while in, and while held for sale after shipment in, interstate commerce, within the meaning of Section 403 (a), in that the labeling failed to reveal the fact that the article contained in insignificant amount of orange juice and was essentially devoid of vitamin C, a fact which was material in the light of the label statements and the general design of the labels, which as used on the cans in which the product was packed, and displayed in retail grocery stores in juxtaposition or close placement to orange and other fruit juices packed in cans of similar size and shape, created the impression that the article was orange juice or its equivalent, when, in fact, it contained only about 15 percent reconstituted orange juice and was essentially devoid of vitamin C.

**DISPOSITION:** August 1, 1950. Default decree of condemnation. The court ordered that the product be delivered to charitable institutions.

**16452. Adulteration of peach nectar. U. S. v. Pure Foods Corp. and Harold Fisch.** Pleas of nolo contendere. Corporation fined \$1,001; individual defendant placed on probation for two years. (F. D. C. No. 29155. Sample Nos. 58645-K, 58658-K.)

**INFORMATION FILED:** May 25, 1950, Southern District of California, against the Pure Foods Corp., Los Angeles, Calif., and Harold Fisch, secretary and plant manager.

**ALLEGED SHIPMENT:** On or about November 7 and December 28, 1949, from the State of California into the State of Washington.

**LABEL, IN PART:** "Golden Flow Brand Peach Nectar."

**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 insects, insect fragments, and insect excreta.

**DISPOSITION:** August 14, 1950. Pleas of nolo contendere having been entered, the corporation was fined \$1,001. Sentence against the individual was suspended, and he was placed on probation for two years.

**16453. Adulteration of tomato juice. U. S. v. St. Marys Packing Co. Plea of guilty.** Fine of \$600, plus costs. (F. D. C. No. 29599. Sample Nos. 67404-K, 68973-K, 82216-K.)

**INFORMATION FILED:** July 20, 1950, Northern District of Ohio, against the St. Marys Packing Co., a corporation, Van Wert, Ohio.

**ALLEGED SHIPMENT:** Between the approximate dates of November 21, 1949, and March 29, 1950, from the State of Ohio into the States of West Virginia and Pennsylvania.

**LABEL, IN PART:** (Can) "Kroger Tomato Juice."

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

**DISPOSITION:** August 14, 1950. A plea of guilty having been entered, the court imposed a fine of \$600, plus costs.

**16454. Misbranding of tomato juice. U. S. v. 49 Cases \* \* \*. (F. D. C. No. 28647. Sample No. 47782-K.)**

**LIBEL FILED:** January 11, 1950, Southern District of West Virginia.

**ALLEGED SHIPMENT:** On or about December 1, 1949, by the Degraff Packing Co., from Degraff, Ohio.

**PRODUCT:** 49 cases, each containing 24 1-pint, 2-ounce cans, of tomato juice at Charleston, W. Va. Examination showed that some of the cans contained tomatoes while others contained tomato juice.

**LABEL, IN PART:** "Blossomtime Tomato Juice."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the label statement "Tomato Juice" was false and misleading since some cans of the article contained tomatoes while others contained tomato juice.

**DISPOSITION:** July 24, 1950. The Degraff Packing Co. having appeared as claimant, judgment of condemnation was entered against the portion of the