

**27453. Adulteration and misbranding of Frute-Ade. U. S. v. 624 Dozen Bottles, Assorted Flavors, of Frute-Ade. Default decree of condemnation and destruction.** (F. & D. no. 39575. Sample nos. 35070-C to 35076-C, incl.)

These products were labeled to convey the impression that they derived their fruit characteristics from fruit juices. Examination showed that they consisted essentially of acid solutions and artificial colors; and that the grape, strawberry, cherry, and raspberry varieties contained artificial flavors. All products were short in volume.

On May 8, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 624 dozen bottles of assorted flavors of Frute-Ade at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about April 17, 1937, by the Atlantic Food Packing Co., from Trenton, N. J., and charging adulteration and misbranding in violation of the Food and Drugs Act. All varieties were labeled in part: "2½ Fl. Ozs. Frute-Ade \* \* \* Atlantic Food Packing Co. Trenton, N. J." The labels of the grape, strawberry, cherry, raspberry, and lemon varieties bore the statement, "Certified Color, flavor and fruit acid added"; and those of the "Pure Lemon Lime" and "Pure Orange" bore the statement "Certified Color and fruit acid added."

The articles were alleged to be adulterated in that mixtures of acid solutions and artificial colors, the grape, strawberry, cherry, and raspberry varieties containing artificial flavors and little or no juices of the fruits named, had been substituted for Frute-Ade, a beverage which derives its fruit characteristics from fruit juices, which the articles purported to be.

All flavors of the articles were alleged to be misbranded in that the statements "Frute-Ade" and "2½ Fl. Ozs.", borne on the labels, were false and misleading and tended to deceive and mislead the purchaser when applied to articles containing acid solutions and artificial colors, and which were short volume. The grape, strawberry, cherry, and raspberry varieties only were alleged to be misbranded further in that the statements, "Grape Flavor", "Strawberry Flavor", "Cherry Flavor", and "Raspberry Flavor", were false and misleading and tended to deceive and mislead the purchaser when applied to articles containing artificial flavors with little or no juices of the fruits named on the labels.

On June 9, 1937, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**27454. Adulteration of crab meat. U. S. v. 92 and 85 1-pound Cans of Crab Meat (and 9 other seizure actions). Default decrees of condemnation and destruction.** (F. & D. nos. 39579, 39584, 39633, 39634, 39668, 39882, 39913 to 39916 incl. Sample nos. 34644-C to 34647-C, incl., 42123-C, 43457-C, 43515-C, 43519-C to 43522-C, incl.)

These cases involved crab meat that contained filth.

On May 7, 1937, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 177 pound cans of crab meat at Baltimore, Md. On May 8, 10, 17, and June 18 and 25, 1937, libels were filed against 129 additional 1-pound cans of crab meat at Baltimore, Md., and one box and four barrels, each containing a number of cans, and 337 pound cans of crab meat at Washington, D. C. The libels alleged that the article had been shipped in interstate commerce between the date of May 4 and June 21, 1937, by the Des' Allemands Sea Food Co., from Allemands, La., and that it was adulterated in violation of the Food and Drugs Act. Portions of the article were labeled: (Tag) "From Des' Allemands Sea Food Co. Allemands Louisiana."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On June 9, 16, 18, August 4, and September 7 and 16, 1937, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*