

# United States Department of Agriculture

## FOOD AND DRUG ADMINISTRATION

### NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

29051-29250

[Approved by the Acting Secretary of Agriculture, Washington, D. C., October 8, 1938]

**29051. Adulteration and misbranding of cocktail mixers. U. S. v. Certain Quantities of Cocktail Mixers. Default decree of condemnation and destruction.** (F. & D. Nos. 41422 to 41427, incl. Sample Nos. 57287-C to 57292-C, incl.)

These products were represented to consist of fruit juices; whereas they were mixtures of water, fruit juices, and added citric acid. In addition, one lot bore an incorrect statement of the quantity of contents.

On January 18, 1938, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 49 gallon jugs and eleven 25-ounce bottles of cocktail mixers at Binghamton, N. Y.; alleging that the articles had been shipped in interstate commerce on various dates between January 4 and November 29, 1937, from Philipsburg, Pa., by Sky-Scraper Products Co.; and charging adulteration and misbranding in violation of the Food and Drugs Act. Portions were labeled: "Lemon [or "Lime"] \* \* \* Cocktail Hour Brand, \* \* \* S. P. Co., Philipsburg, Pa." The remainder were labeled: "Lemon [or "Lime"] \* \* \* Sky-Scraper Brand \* \* \* Sky-Scraper Products Co., Philipsburg, Pa."

The articles were alleged to be adulterated in that they were mixed in a manner whereby inferiority was concealed.

They were alleged to be misbranded in that the following statements appearing in the labeling of the several lots were false and misleading and tended to deceive and mislead the purchaser when applied to articles that consisted of water, fruit juice, and added citric acid: (Portion) "Lemon [or "Lime"] \* \* \* Fruit Juice \* \* \* Use as the Juice of Fresh Fruit"; (remainder) "Lemon [or "Lime"] Fruit Mixer Use as the Juice of Fresh Fruit 1 Oz. of Lemon [or "Lime"]. Fruit Mixer is Equivalent to the Juice of 1 Lemon [or "Lime"]." The articles were alleged to be misbranded further in that they were imitations of other articles. One lot was alleged to be misbranded further in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct in that the label bore the statement "Contents 1 Pt. 9 Fl. Oz."; whereas the bottles contained approximately 1 gallon.

On May 20, 1938, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**29052. Adulteration of seedless raisins. U. S. v. 700 Cartons of Raisins. Consent decree of condemnation. Product released under bond for removal of deleterious substance.** (F. & D. No. 39358. Sample No. 29989-C.)

This product contained hydrocyanic acid in an amount which might have rendered it injurious to health.

On April 9, 1937, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 700 cartons of raisins at Johnstown, Pa.; alleging that the article had been shipped in interstate commerce on or about October 26, 1936, by the Cured Fruit Association of California from Stockton, Calif.; and charging adulteration in violation of