

FRUIT JUICES

1202. Adulteration and misbranding of grape juice. U. S. v. 16 and 14 Cartons of Grape Juice. Default decree of condemnation. Product ordered distributed to charitable institutions. (F. D. C. No. 2298. Sample No. 10698-E.)

This product was a mixture of grape juice, water, sugar, citric acid, and flavoring material.

On June 29, 1940, the United States attorney for the District of Connecticut filed a libel against 30 cartons of grape juice at Hartford, Conn., alleging that the article had been shipped in interstate commerce from Long Island City, N. Y.; and charging that it was adulterated and misbranded. It was labeled in part: (Bottles) "Walker's Grape Juice Drink Sugar Added * * * Pure Concord Grape Juice true fruit flavor, acid and water added [design of a bunch of grapes]."

The article was alleged to be adulterated in that a mixture of grape juice, water, sugar, citric acid, and flavor had been substituted for "Grape Juice, Sugar Added," which it purported to be; in that inferiority had been concealed by the addition of water, sugar, citric acid, and flavor; and in that water, sugar, citric acid, and flavor had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.

The article was alleged to be misbranded in that the prominent name "Grape Juice Sugar Added" and the design of a bunch of grapes were false and misleading since they implied that the article was sweetened grape juice; and this false and misleading impression was not corrected by the inconspicuous word "Drink" nor the relatively inconspicuous ingredient statement.

On October 16, 1940, no claimant having appeared, judgment was entered as of September 20, 1940, condemning the product and ordering its distribution to charitable institutions after removal of the labels.

1203. Misbranding and alleged adulteration of Grape Punch Base. U. S. v. 99 Cases of Grape Punch Base. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 2720. Sample No. 14371-E.)

This product was labeled to indicate that it contained a substantial amount of grape juice or concentrated grape juice. It consisted, however, of an artificially flavored and colored imitation beverage base containing less than 5 percent of grape juice or its equivalent in concentrated grape juice. A beverage made from it according to the directions in the labeling would contain less than 1 percent of grape juice. It was also short of the declared volume, and failed to comply with certain other labeling requirements of the law.

On August 30, 1940, the United States attorney for the Eastern District of Pennsylvania filed a libel against 99 cases of grape punch base at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about June 15, 1940, by the Empire Freight Co. from Los Angeles, Calif.; and charging that it was adulterated and misbranded. This article was merchandise of E. A. Silzle Co. included in a pool shipment of the Empire Freight Co. It was labeled in part: (Cans) "Citra-Gold 5 to 1 Grape Punch Base * * * Packed by E. A. Silzle Corp., Anaheim, California."

The article was alleged to be adulterated in that an artificially flavored and artificially colored imitation grape punch base containing little or no grape juice or concentrated grape juice had been substituted wholly or in part for "Grape Punch Base," an article containing a substantial amount of grape juice or concentrated grape juice, which it purported to be; in that its inferiority had been concealed by the addition of artificial flavor and color; and in that artificial flavor and artificial color had been added to the article so as to reduce its quality and make it appear better or of greater value than it was.

The article was alleged to be misbranded in that the design of a cluster of grapes and the statements "Grape Punch Base * * * Concentrated Concord Grape Juice * * * Grape Flavor * * * Grape Punch" on the can label were false and misleading as applied to an artificially flavored and artificially colored imitation grape punch base containing little or no grape juice or concentrated grape juice.

It was alleged to be misbranded further in that the statement "Net Contents 5¾ Fl. Oz." was false and misleading since it was incorrect; in that it was in package form and the package did not bear an accurate statement of the quantity of the contents since the package contained less than the declared amount; and in that it was offered for sale under the name of another food, namely, "Grape