

## TEA

**1902. Misbranding of tea. U. S. v. 168 Packages of Tea. Consent decree of condemnation. Product released under bond for relabeling. (F. D. C. No. 3827. Sample No. 50075-E.)**

This product occupied on an average about 60 percent of the capacity of the carton in which it was packed.

On February 15, 1941, the United States attorney for the District of Columbia filed a libel against 168 packages of tea at Washington, D. C., alleging that the article was being offered for sale in the District of Columbia by the John H. Wilkins Co., Washington, D. C.; and charging that it was misbranded. It was labeled in part: (Cartons) "3 Ounces \* \* \* Swanee Tea Orange Pekoe and Pekoe Imported."

The article was alleged to be misbranded in that its container was so made, formed, or filled as to be misleading.

On April 17, 1941, the John H. Wilkins Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be repackaged under the supervision of the Food and Drug Administration.

## FRUIT AND VEGETABLE JUICES

**1903. Adulteration of canned grapefruit juice. U. S. v. 64 Cases of Canned Grapefruit Juice. Default decree of condemnation and destruction. (F. D. C. No. 4592. Sample Nos. 56526-E, 56527-E.)**

On May 3, 1941, the United States attorney for the Southern District of New York filed a libel against 64 cases, each containing 24 No. 2 cans, of grapefruit juice at New York, N. Y., alleging that the article had been shipped on or about February 7 and 20, 1941, by Olmito Packing Co. from Brownsville, Tex.; and charging that it was adulterated in that it had been prepared under insanitary conditions. The article was labeled in part: "Dellford Brand \* \* \* Grapefruit Juice."

On May 21, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1904. Misbranding of grapefruit juice. U. S. v. 94 Cases of Grapefruit Juice. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 3516. Sample No. 4353-E.)**

The label of this product bore false and misleading representations regarding its efficacy in the conditions indicated below.

On or about December 27, 1940, the United States attorney for the Northern District of Illinois filed a libel against 94 cases of grapefruit juice at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 4, 1940, by Tolson Davies Co. from Brownsville, Tex.; and charging that it was misbranded. The article was labeled in part: "Perk-Up \* \* \* Unsweetened Grapefruit Juice."

It was alleged to be misbranded in that the statements, "Recommended \* \* \* as a help in the prevention of colds and \* \* \* also helpful in keeping the system on the 'alkaline side,'" were false and misleading. It was also alleged to be misbranded under the provisions of the law applicable to drugs, reported in D. D. N. J. No. 383.

On February 3, 1941, the Tolson Davies Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be properly relabeled.

**1905. Misbranding of beverage base. U. S. v. 254 Cases of Beverage Base. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 3884. Sample No. 7618-E.)**

Analysis showed that this product contained an undeclared preservative, namely, sulfur dioxide.

On February 26, 1941, the United States attorney for the Southern District of California filed a libel against 254 cases, each containing 4 bottles, of beverage base at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about January 15, 1941, by Squirt Co. from Glendale, Ariz.; and charging that it was misbranded. It was labeled in part: (Bottles) "Net Contents 1 Gallon Bottlers Base for (grapefruit flavor) Squirt Contains no Preservative."

The article was alleged to be misbranded (1) in that the statement "Contains no Preservative" was false and misleading as applied to an article containing