

LABEL, IN PART: (Packages) "Smile Sticks"; (leaflet) "These candies when made contained 800 or more U. S. P. units of Carrotene (Vitamin A) * * * to each pound."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), a valuable constituent, vitamin A, had been in part omitted or abstracted from the article.

Misbranding, Section 403 (a), the statement in the leaflet, "These candies when made contained 800 or more U. S. P. units of Carrotene (Vitamin A) * * * to each pound," was false and misleading as applied to the article since it did not contain the amount of vitamin A stated and implied; and the statement on the label "Ingredients * * * vitamin A," was misleading, since the article supplied less than 1 percent of the minimum adult daily requirements of vitamin A, in the entire 8-ounce package, an inconsequential amount; Section 403 (j), the article purported to be and was represented as a food for special dietary uses by man by reason of its vitamin A, vitamin B₁, riboflavin, vitamin C, and calcium and phosphorus content, and its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirements of vitamin A, vitamin B₁, riboflavin, and vitamin C, and the minerals calcium and phosphorus, furnished by a quantity of the product reasonably suitable for and practicable of consumption within a period of 1 day; and, Section 403 (e) (1), it was a food in package form and failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor.

DISPOSITION: August 28, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a local hospital.

7195. Adulteration and misbranding of orange drink. U. S. v. 194 Cases of Orange Drink. Default decree of condemnation and destruction. (F. D. C. No. 13112. Sample No. 68474-F.)

LIBEL FILED: August 1, 1944, Eastern District of Kentucky.

ALLEGED SHIPMENT: On or about July 20, 1944, by Jay-Lee Products Co., Cincinnati, Ohio.

PRODUCT: 194 cases, each containing 6 ½-gallon bottles, of orange drink at Newport, Ky.

LABEL, IN PART: (Bottles) "A Food Product Containing Fruit Juice * * * Juice Rich California Orange Drink * * * Rich in Vitamin B₁ 2700 Int. Units B₁ added Healthful For children and adults * * * Juice Rich Citrus Products Co. * * * Cincinnati, Ohio."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (2), the product contained monochloroacetic acid, which was unsafe within the meaning of the law in that it was an added poisonous and deleterious substance which was not required in the production of the article and could have been avoided by good manufacturing practice; Section 402 (b) (2), an artificially colored mixture of water, about 10-percent orange juice, added orange oil, and acid had been substituted for a drink rich in orange juice, which the article purported to be; Section 402 (b) (3), inferiority had been concealed by the addition of artificial color, orange oil, and acid; and, Section 402 (b) (4), artificial color, orange oil, and acid had been added to the article and mixed and packed with it, so as to make it appear to be a drink rich in California orange juice, which was better and of greater value than the article was.

Misbranding, Section 403 (a), the statements, "A Food Product Containing Fruit Juice * * * Juice Rich California Orange Drink * * * Healthful," and the design of oranges on the bottle label, were false and misleading as applied to the article, which was an artificially colored mixture of water, about 10-percent orange juice, added orange oil, and acid, and which contained practically no vitamin C, the one vitamin which would be expected by consumers to be present in substantial amounts in an orange juice product; and, Section 403 (j), it purported to be and was represented as a food for special dietary uses by reason of its vitamin B₁ content, and its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirement of vitamin B₁ supplied by a specified quantity of the product customarily or usually consumed during a period of 1 day.

DISPOSITION: August 22, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.