

FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

8301-8500

FOODS

The cases reported herewith were instituted in the United States District Courts by the United States attorneys acting upon reports submitted by direction of the Federal Security Administrator.

MAURICE COLLINS, *Acting Administrator, Federal Security Agency.*

WASHINGTON, D. C., *February 8, 1946.*

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BEVERAGES AND BEVERAGE MATERIALS*

8301. Action to enjoin and restrain the interstate shipment of adulterated and misbranded grapefruit juice. U. S. v. Edgar C. Christensen (Christensen Products Co.). Consent decree granting injunction. (Inj. No. 93.)

COMPLAINT FILED: May 11, 1945, Southern District of Texas, against Edgar C. Christensen, trading as the Christensen Products Co., at Weslaco, Tex.

NATURE OF CHARGE: From on or about February 25, 1938, to the time the complaint was filed, the defendant had been preparing, canning, and shipping in interstate commerce quantities of canned grapefruit juice that was adulterated and misbranded in the following manner: Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments, maggots, whole adult scavenger flies and scavenger fly larvae, fly eggs, fly fragments, scaly insects, insect eggs, mold, and rodent hairs; Section 402 (a) (4), it had been prepared, packed, and held under insanitary conditions whereby it might have become contaminated with filth; and, Section 403 (a), a portion of the product was labeled "U. S. Grade A Fancy," which was false and misleading since it was contaminated with filth.

*See also No. 8457.

PRAYER OF COMPLAINT: That a preliminary injunction issue restraining the defendant from commission of the acts complained of, and that, after due proceedings, the preliminary injunction be made permanent.

DISPOSITION: August 25, 1945. The defendant having filed an answer denying the substantive allegations of the complaint, but having consented to the entry of a decree without admission of any of the issues in the case, judgment was entered enjoining the defendant from shipping in interstate commerce any adulterated grapefruit juice, conditioned that at the end of 1 year from the date of the entry of the decree, upon a favorable report from the Department of Justice with respect to the plant conditions, the court may terminate the injunction and dismiss the complaint.

8302. Adulteration and misbranding of Harrison's Orange Hut Orange (orange beverage base). U. S. v. Harrison Orange Corporation. Plea of guilty. Fine, \$100. (F. D. C. No. 10641. Sample No. 6388-F.)

INFORMATION FILED: May 3, 1944, Northern District of Illinois, against the Harrison Orange Corporation, Chicago, Ill.

ALLEGED SHIPMENT: On or about March 15, 1943, from the State of Illinois into the State of Missouri.

LABEL, IN PART: (Barrels) "From the Office & Factory of Harrison's Orange Corporation, 1502 S. Michigan Ave. Chicago, Ill. American Soda Water Company, 1328 Ann Avenue, St. Louis, Mo." The labeling also included certain counter display cards and labels which were shipped with the article; the labels apparently were intended to be used in labeling the finished product.

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), an artificially colored mixture of water, sugar, orange pomace, phosphoric acid or acid phosphate, and orange peel oil, preserved with benzoate of soda and containing approximately 30 percent of orange juice and a negligible proportion of vitamin C, had been substituted for concentrated orange juice, which the product purported to be.

Misbranding, Section 403 (a), the labeling bore the designs of a whole orange, a cut orange, dripping juice, and a beverage stand with oranges piled on the counter. It also bore the following false and misleading statements: "Take Vitamins—the Delicious Way This is a Fruit Food Product * * * Orange Hut Orange It's Juice Rich * * * Enriched with pure fruit juices * * * Truly A Fresh Fruit Drink Harrison's Juice-Rich Orange Co. From Grove to Goblet." The statements and designs represented and implied that the article was concentrated orange juice, whereas it was not. Further misbranding, Section 403 (c), the product was an imitation orange juice concentrate and its label failed to bear, in type of uniform size and prominence, the word "imitation," and, immediately thereafter, the name of the food imitated; Section 403 (e) (2), it did not bear a label containing an accurate statement of the quantity of the contents, since it was shipped in barrels which bore no statement of the quantity of the contents; Section 403 (i) (1), its label did not bear the common or usual name of the food; and, Section 403 (i) (2), the label did not bear the common or usual name of each ingredient.

DISPOSITION: July 12, 1944. A plea of guilty having been entered on behalf of the defendant, a fine of \$100 was imposed.

8303. Adulteration and misbranding of orangeade. U. S. v. Carl Andrew Cook (Sun-Rich Products Co.). Plea of guilty. Fine, \$150. (F. D. C. No. 12520. Sample No. 41582-F.)

INFORMATION FILED: August 24, 1944, Eastern District of Louisiana, against Carl Andrew Cook, trading as the Sun-Rich Products Co., New Orleans, La.

ALLEGED SHIPMENT: On or about September 10, 1943, from the State of Louisiana into the State of Alabama.

LABEL, IN PART: "Sun-Glow Orange Ade Made from Fresh Ripe Fruit * * * Contains the juice of fresh California oranges * * * Rich In Vitamins."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), artificially colored and acidulated liquid, sweetened with sugar, flavored with orange oil, and containing orange pomace, a very small amount of orange juice, and an insignificant amount of vitamins, had been substituted in whole or in part for "Orange Ade * * * Rich In Vitamins," which the product purported and was represented to be; Section 402 (b) (3), the product purported to be and was represented as "Orange Ade" but it was inferior to orangeade and its inferiority had been concealed by the use of color, orange oil, and added acid;