

and, Section 402 (b) (4), color, orange oil, and acid had been added to the product and mixed and packed with it so as to make it appear better and of greater value than it was.

Misbranding, Section 403 (a), the label statements, "Orange Ade Made from Fresh Ripe Fruit * * * Rich In Vitamins Contains the juice of fresh California oranges," were false and misleading since the product was not orangeade, it was not rich in the vitamins contained in orange juice, and it did not contain substantial amounts of the juice of fresh California oranges; and, Section 403 (c), it was an imitation of another food, orangeade, 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.

DISPOSITION: March 15, 1945. A plea of guilty having been entered by the defendant, a fine of \$150 was imposed.

8304. Adulteration and misbranding of grape juice punch. U. S. v. 178 Cases of Grape Juice Punch. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14850. Sample No. 74200-F.)

LIBEL FILED: December 27, 1944, Northern District of Texas.

ALLEGED SHIPMENT: On or about November 8, 1944, by the California Associated Products Co., from Los Angeles, Calif.

PRODUCT: 178 cases, each containing 24 1-pint bottles, of grape juice punch at Dallas, Tex.

LABEL, IN PART: (Bottle) "Original Monterey Brand * * * Concord Grape Juice Punch."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (4), artificial flavor, color, and acids had been added to the article and mixed and packed with it so as to make it appear better and of greater value than it was.

Misbranding, Section 403 (a), the label statement "Concord Grape Juice Punch" was false and misleading as applied to an artificially flavored and colored solution of water, sugar, and acids, containing an insignificant amount of fruit juice or juices; Section 403 (i) (2), the product was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient; and, Section 403 (k), it contained artificial flavoring and it failed to bear labeling stating that fact.

DISPOSITION: February 1, 1945. The California Associated Products Co., claimant, having admitted the facts in the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

8305. Misbranding of Mil-K-Botl Concentrate, Special Acid Solution, and Mil-K-Botl Color. U. S. v. 14 Cases of Mil-K-Botl Concentrate, 4½ Cases of Special Acid Solution, 1 Container of Mil-K-Botl Color, and a number of labels. Default decree of condemnation and destruction. (F. D. C. No. 10516. Sample No. 47807-F.)

LIBEL FILED: September 3, 1943, Southern District of Illinois.

ALLEGED SHIPMENT: On or about September 18, 1942, by the Mil-K-Botl Corporation of America, from St. Louis, Mo.

PRODUCT: 14 cases, each containing 6 1-gallon cans, of Mil-K-Botl Concentrate; 4½ cases, each containing 4 1-gallon jugs, of Special Acid Solution; 1 1-gallon container of Mil-K-Botl Color; and 1 lot of labels, at Alton, Ill. The labels accompanying the articles were intended for use on the finished beverage.

Examination of samples showed that the Concentrate consisted essentially of water, fruit pomace, and orange oil, and that it contained sodium benzoate; that the Special Acid Solution was a concentrated solution of citric acid; and that the Color was a water solution of F. D. C. Yellow #6, a certifiable coal-tar color. Examination of the Concentrate and Special Acid showed that neither product contained demonstrable quantities of vitamin B₁.

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the following statements on the labels, which accompanied the articles when shipped in interstate commerce, and which were intended for use on the finished beverage made from these articles (with sugar and water to be added), were false and misleading: "Flavored with Fresh Oranges * * * The Vitamin Drink * * * Contains 50 Units B₁." The finished beverage, made in accordance with the directions on the label of the Concentrate, would not be flavored with fresh oranges, it would not be a vitamin drink, and it would not supply 50 units of vitamin B₁.

Further misbranding (Mil-K-Botl Concentrate), Section 403 (i) (2), the label of the product failed to bear the common or usual name of each ingredient; (Special Acid Solution), Section 403 (i) (1), the label of the product failed to bear a statement of the common or usual name of the food, i. e., citric acid solution; and, Section 403 (e) (2), it failed to bear a statement of the quantity of contents; and (Special Mil-K-Botl Color), Section 403 (i) (1), its label failed to bear its common or usual name, i. e., F. D. C. Yellow #6.

DISPOSITION: December 18, 1943. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

CEREALS AND CEREAL PRODUCTS

ALIMENTARY PASTES*

8306. Adulteration of macaroni. U. S. v. G. Santoro & Sons, Inc., and Joseph Santoro. Pleas of guilty. Corporation fined \$600; Joseph Santoro fined \$300 and sentenced to 30 days in jail, which sentence was reduced to 7 days. (F. D. C. No. 10628. Sample Nos. 17189-F, 45117-F, 45118-F.)

INFORMATION FILED: May 24, 1944, Eastern District of New York, against G. Santoro & Sons, Inc., a corporation, and Joseph Santoro, treasurer and general manager, Brooklyn, N. Y.

ALLEGED SHIPMENT: On or about January 26, May 24, and June 21, 1943, from the State of New York into the State of New Jersey.

LABEL, IN PART: "Santoro Grade A Macaroni."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments, rodent hair fragments, storage larvae, larva heads, and fragments resembling fragments of storage beetles and their larvae; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: November 9, 1944. Pleas of guilty were entered on behalf of both defendants. The corporation was fined \$600, and the individual defendant was fined \$300 and sentenced to serve a jail term of 30 days. On November 15, 1944, on motion of the Government, the jail sentence was reduced by the court to 7 days.

8307. Adulteration of alimentary paste. U. S. v. 108 Cartons of Alimentary Paste. Default decree of condemnation and destruction. (F. D. C. No. 14498. Sample Nos. 74723-F, 74830-F.)

LABEL FILED: On or about November 28, 1944, District of Oregon.

ALLEGED SHIPMENT: On or about October 20 and November 4, 1944, by the Favro Macaroni Manufacturing Co., from Seattle, Wash.

PRODUCT: 108 10-pound or 20-pound cartons of alimentary paste at Portland, Oreg.

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: January 8, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

BAKERY PRODUCTS**

8308. Action to enjoin and restrain the interstate shipment of adulterated bakery products. U. S. v. Mose A. Lazere (Sioux City Bakery). Tried to the court. Preliminary injunction granted; consent decree granting permanent injunction. (Inj. No. 73.)

COMPLAINT FILED: September 15, 1944; amended September 19, 1944, Northern District of Iowa, against Mose A. Lazere, trading as the Sioux City Bakery at Sioux City, Iowa.

NATURE OF CHARGE: That, since December 12, 1941, until the time the complaint was filed, the defendant had been preparing and holding under insanitary conditions various bakery products and the raw materials used in their preparation; that the bakery products so prepared and held were adulterated under

*See also No. 8318.

**See also Nos. 8338, 8490, 8491.