

**8655. Misbranding of grapefruit juice. U. S. v. 1,999 Cases of Grapefruit Juice. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 15344. Sample No. 5607-H.)**

**LIBEL FILED:** March 7, 1945, District of New Jersey.

**ALLEGED SHIPMENT:** On or about July 6 and August 1, 1944, by the Reagan Canning Co., from McAllen, Tex.

**PRODUCT:** 1,999 cases, each containing 24 cans, of grapefruit juice at Kearny, N. J. Examination showed that while the contents of a few of the cans sampled were grade A, the contents of most of them were below grade A in quality due to the off-color and off-flavor of the juice.

**LABEL, IN PART:** "Glenwood Brand Grapefruit Juice Unsweetened Grade A \* \* \* Distributed by American Stores Co., Phila., Pa."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the label designation "Grade A" was false and misleading as applied to a product which was not of grade A quality.

**DISPOSITION:** August 13, 1945. The Reagan Canning Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

**8656. Misbranding of apricot juice. U. S. v. 14 Cases of Apricot Juice. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 14565. Sample No. 73884-F.)**

**LIBEL FILED:** November 24, 1944, District of Arizona.

**ALLEGED SHIPMENT:** On or about August 30, 1944, by the Utt Juice Co., Tustin, Calif.

**PRODUCT:** 14 cases, each containing 24 1-pint bottles, of apricot juice at Yuma, Ariz.

**LABEL, IN PART:** (Bottle) "Queen Isabella Brand Apricot Juice \* \* \* Fruit Juices are carefully prepared so as to retain the maximum flavor and value of the fresh fruit."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the statement on the label, "Fruit juices are especially high in vital blood minerals and organic acids necessary to correct and maintain normal blood alkalinity and food assimilation," was false and misleading since the product was not especially high in vital blood minerals and organic acids and would not correct and maintain normal blood alkalinity and food assimilation.

**DISPOSITION:** January 12, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

**8657. Adulteration and misbranding of fountain sirups. U. S. v. 5 Cases of Fountain Syrups. Default decree of condemnation and destruction. (F. D. C. No. 15315. Sample Nos. 417-H to 420-H, incl.)**

**LIBEL FILED:** On or about February 27, 1945, Southern District of Georgia.

**ALLEGED SHIPMENT:** On or about December 21, 1944, by the Reco Sales Co., from New York, N. Y.

**PRODUCT:** 5 cases, each containing 4 1-gallon jugs, of fountain sirups at Savannah, Ga.

**LABEL, IN PART:** (Jars) "Reco Flavored Fountain Syrup Maple [or "Cherry," "Vanilla," or "Pineapple"]."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (4), artificial color and artificial flavor had been added to the products and mixed and packed with them so as to make them appear better or of greater value than they were.

Misbranding, Section 403 (a), the label statements, "Reco Flavored Fountain Syrup Maple [or "Cherry," "Vanilla," or "Pineapple"]," were false and misleading as applied to the articles since they were solutions of sugar and water artificially flavored and colored to simulate fountain sirups possessing the designated flavors; Section 403 (c), the products were imitations of other foods, and the labels failed to bear, in type of uniform size and prominence, the word "Imitation" and, immediately thereafter, the name of the food

imitated; and, Section 403 (k), they contained artificial flavoring and artificial coloring, and they failed to bear labeling stating that fact.

**DISPOSITION:** March 22, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**8658. Misbranding of coffee. U. S. v. Coffee Corporation of America. Plea of nolo contendere to counts 2 and 3; fine, \$600 and costs. Judgment of not guilty on count 1.** (F. D. C. No. 11426. Sample Nos. 35558-F, 49621-F, 49622-F.)

**INFORMATION FILED:** February 2, 1945, Northern District of Illinois. Information in 3 counts against the Coffee Corporation of America, Chicago, Ill.

**ALLEGED SHIPMENT:** Between the approximate dates of August 30 and November 17, 1943, from the State of Illinois into the States of North Carolina and New York.

**LABEL, IN PART:** (Portion of jar labels) "Arrow Blend Vacuum Coffee One Pound Net Weight \* \* \* Distributors Buffalo Sugar and Coffee Service Buffalo, N. Y."; (remainder) "Coffee One Pound Net Weight."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the label statements "One Pound Net Weight" were false and misleading since the jars contained less than 1 pound net weight; and, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents.

**DISPOSITION:** June 14, 1945. A plea of nolo contendere having been entered on behalf of the defendant to count 2 and count 3, the court imposed a fine of \$600 on those counts. The court found the defendant not guilty on count 1.

## CEREALS AND CEREAL PRODUCTS\*

### BAKERY PRODUCTS

**8659. Adulteration of bread. U. S. v. Charles Peterson (Original Wonder Bakers). Plea of nolo contendere. Fine, \$300 and costs.** (F. D. C. No. 12588. Sample Nos. 50192-F, 50199-F, 50243-F.)

**INFORMATION FILED:** October 10, 1944, Western District of Pennsylvania, against Charles Peterson, trading as the Original Wonder Bakers, Pittsburgh, Pa.

**ALLEGED SHIPMENT:** On or about January 4 and March 18, 1944, from the State of Pennsylvania into the State of Ohio.

**LABEL, IN PART:** (One shipment of bread) "Original Wonder Bread."

**NATURE OF CHARGE:** 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, hairs resembling rodent hairs, and a cat hair.

**DISPOSITION:** November 24, 1944. The defendant having entered a plea of nolo contendere to all counts, the court imposed a fine of \$100 on count 2 and continued the case as to counts 1 and 3 until the May term of court. On October 25, 1945, the court imposed a fine of \$100 on each of the two remaining counts, a total fine of \$200, plus costs.

**8660. Adulteration of ice cream cones. U. S. v. 5 Cases, 10 Cases, and 5 Cases of Ice Cream Cones. Default decree of condemnation. Product ordered used for hog feed.** (F. D. C. No. 15156. Sample Nos. 99151-F to 99153-F, incl.)

**LABEL FILED:** January 24, 1945, Eastern District of Illinois.

**ALLEGED SHIPMENT:** On or about December 26, 1944, by the Crispo Cake Cone Co., St. Louis, Mo.

**PRODUCT:** 10 cases, each containing 10 100-cone cartons, and 10 cases, each containing 4 250-cone cartons, of ice cream cones at East St. Louis, Ill.

**LABEL, IN PART:** "Crispo Sugar [or "Cup Sugar," or "Flavor-ized Flare Tops"]."

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

**DISPOSITION:** February 13, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered used for hog feed.

\*See also No. 8763.