

**DISPOSITION:** On November 30, 1945, W. R. Vaughn, trading as the Alaska Pacific Sales Co., and Kate Johnson, having appeared as claimants to contest the seizure of the 916-case lot, the matter came on for trial. On December 17, 1945, after consideration of the testimony and the arguments of counsel, the court handed down its findings of fact and conclusions of law that the product was adulterated as alleged in the libel. The court then ordered that the product be condemned and destroyed. On January 17, 1946, no claimant having appeared for the other lots, judgments of condemnation were entered and those lots were ordered destroyed.

**9602. Adulteration of beer. U. S. v. 67 Cases of Beer. Default decree of condemnation and destruction. F. D. C. No. 16977. Sample No. 36242-H.)**

**LIBEL FILED:** August 4, 1945, District of Oregon.

**ALLEGED SHIPMENT:** Between the approximate dates of September 6, 1944, and October 26, 1945, by the Perplies Brewing Co., from Jefferson, Wis.

**PRODUCT:** 67 cases, each containing 24 12-ounce bottles, of beer at Milwaukee, Wis.

**LABEL, IN PART:** "Perplies Beer."

**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 clumps of mold and nondescript dirt.

**DISPOSITION:** September 10, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**9603. Adulteration and misbranding of grape juice. U. S. v. 18 Cases of Grape Juice (and 5 other seizure actions against grape juice). Default decrees of condemnation and destruction. (F. D. C. Nos. 15357, 16076, 16125, 16297, 16344, 16370. Sample Nos. 5610-H, 5826-H, 5831-H, 6156-H, 6158-H, 6979-H.)**

**LIBELS FILED:** On or about March 10, April 30, May 8 and 25, and June 5 and 20, 1945, District of New Jersey.

**ALLEGED SHIPMENT:** Between the approximate dates of October 6 and December 18, 1944, by the Superior Packing Co., from New York, N. Y.

**PRODUCT:** Grape Juice. 44 bottles and 187 cases at Newark, N. J.; 12 cases at Passaic, N. J.; and 150 cases at Irvington, N. J. Each case contained 12 bottles.

**LABEL, IN PART:** "Capitol Brand Grape Juice \* \* \* Aurora Juices Packing Co., Distributors, Albany, N. Y."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), an artificially flavored and colored mixture of water, sugar, and acid or acids, had been substituted in whole or in part for grape juice; and, Section 402 (b) (4), artificial flavoring and coloring 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 statement, "Grape Juice Made from: Concentrated Grape Juice Sugar Added," was false and misleading; and, Section 403 (k), the article contained artificial flavoring and coloring, and it failed to bear labeling stating that fact.

**DISPOSITION:** May 11, July 13, 23, and 30, 1945, and May 13, 1946. The United Food Co., Irvington, N. Y., claimant for the Irvington lot, having withdrawn its claim, and no claimant having appeared for the other lots, judgments of condemnation were entered and the product was ordered destroyed.

**9604. Adulteration of canned orange juice. U. S. v. 510 Cases of Orange Juice (and 6 other seizure actions against orange juice). Default decrees of condemnation and destruction. (F. D. C. Nos. 16939, 17123, 17124, 17141, 17651, 17652, 17924. Sample Nos. 3118-H, 3119-H, 6175-H, 6176-H, 31660-H, 31676-H, 31799-H.)**

**LIBELS FILED:** July 28, August 20 and 22, and October 11, 1945, Southern District of California, District of Columbia, and Southern District of New York.

**ALLEGED SHIPMENT:** Between the approximate dates of March 31 and April 27, 1945, by the Christensen Products Co., from Haines City, Fla.

**PRODUCT:** Orange juice. 590 cases at San Diego, Calif.; 395 cases at Washington, D. C.; 390 7/24 cases at Los Angeles, Calif.; and 425 cases at New York, N. Y. Each full case contained 24 1-pint, 2-ounce cans, of the product.

**LABEL, IN PART:** "Tropic Gold Brand Fancy Unsweetened Orange Juice."

**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 maggots, insect eggs, and insect fragments.

**DISPOSITION:** September 7 and 18, November 1 and 14, and December 6, 1945. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**9605. Adulteration of concentrated orange juice. U. S. v. 48 Cases of Concentrated Orange Juice. Default decree of condemnation and destruction.** (F. D. C. No. 16893. Sample No. 18765-H.)

**LIBEL FILED:** July 23, 1945, District of Minnesota.

**ALLEGED SHIPMENT:** On or about August 6, 1943, by the Consolidated Freight Forwarding Co., from Oakland, Calif.

**PRODUCT:** 48 cases, each containing 4 1-gallon jugs, of concentrated orange juice at St. Paul, Minn. Examination showed that the product was undergoing decomposition.

**LABEL, IN PART:** "Hulburt's Brand Concentrated California Orange Juice Packed by Fruit Products of America Arcadia, California."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

**DISPOSITION:** September 21, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**9606. Adulteration of orange concentrate. U. S. v. 42 Barrels of Orange Concentrate. Default decree of condemnation and destruction.** (F. D. C. No. 17165. Sample No. 23998-H.)

**LIBEL FILED:** September 20, 1945, Northern District of Alabama.

**ALLEGED SHIPMENT:** Portion of product shipped on or about August 8, 1945, by the Dairy and Ice Cream Supply Co., from Atlanta, Ga.; remainder shipped on an unknown date by the Harrison's Orange Corporation, from Chicago, Ill.

**PRODUCT:** 42 barrels of orange concentrate at Birmingham, Ala. Examination showed that the product contained approximately 2,300 parts per million of monochloroacetic acid.

**LABEL, IN PART:** "Harrison's Orange Hut Orange All Sugar Added," or "Harrison's Day-Ray Orange Flavor Syrup All Sugar Added."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (2), the article contained an added poisonous and deleterious substance, monochloroacetic acid, which is unsafe within the meaning of the law since it is a substance not required in the production of the product and could have been avoided by good manufacturing practice.

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

**9607. Adulteration of raisin brandy. U. S. v. 26 Drums of Raisin Brandy. Consent decrees of condemnation. Product ordered released under bond.** (F. D. C. Nos. 16847, 16993. Sample Nos. 16768-H, 16769-H.)

**LIBELS FILED:** July 23 and August 13, 1945, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about April 20, 1945, by the Fresno Warehouse Co., from Fresno, Calif.

**PRODUCT:** 21 drums and 5 drums of raisin brandy at Chicago, Ill.

**LABEL, IN PART:** "Crest View Winery Inc. Sanger Cal F. D. 77 Raisin Brandy," or "Neutral Raisin Brandy."

**NATURE OF CHARGE:** (21 drum lot) Adulteration, Section 402 (a) (3), the article was unfit for food by reason of the presence of excessive quantities of aldehydes; and, Section 402 (b) (2), a substance containing excessive quantities of aldehydes had been substituted in whole or in part for raisin brandy.

(5 drum lot) Adulteration, Section 402 (a) (1), the article contained a poisonous or deleterious substance, fusel oil, which may have rendered it injurious to health; and, Section 402 (a) (3), it was unfit for food by reason of the presence of an excessive amount of fusel oil.

**DISPOSITION.** December 3, 1945. The Flora Wine Co., Chicago, Ill., claimant, having admitted the facts set forth in the libel, judgments of condemnation were entered and the product was ordered released under bond to be redistilled under the supervision of the Food and Drug Administration.