

NATURE OF CHARGE: Adulteration, Section 402 (b) (4), the article had been mixed and packed with saccharin so as to reduce its quality or strength and make it appear better or of greater value than it was.

DISPOSITION: February 18, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10702. Misbranding of beverage preparations. U. S. v. 51 Cases * * *. (F. D. C. No. 18413. Sample Nos. 7754-H to 7756-H, incl.)

LIBEL FILED: On or about November 23, 1945, District of Connecticut.

ALLEGED SHIPMENT: On or about August 30, 1943, by the Mark Vandewart Co., Inc., from New York, N. Y.

PRODUCT: 17 cases of orange mixer, 24 cases of lemon mixer, and 10 cases of lemon and lime mixer at New Haven, Conn. Examination showed that the products were artificially colored mixtures of water, phosphoric acid, and citrus oils, and they contained little or no sugar or citrus juice. Examination showed also that the products were short-volume.

LABEL, IN PART: "Orange [or "Lemon," or "Lemon & Lime"] Mixer * * * Sufficient for 8 pints of Perfect Orange [or "Lemon," or "Lemon & Lime"] Drink * * * Use as Fresh Orange [or "Lemon," or "Lemon & Lime"] Juice." The "Orange" flavor label bore the design of 2 oranges and leaves, and the "Lemon" and "Lemon & Lime" flavor labels bore the design of a lemon, a lime, and leaves.

NATURE OF CHARGE: Misbranding, Section 403 (a), the statements and designs in the labeling were false and misleading as applied to products containing little or no sugar or citrus juices; Section 403 (e) (2), the products failed to bear labels containing an accurate statement of the quantity of the contents; and, Section 403 (i) (2), they were fabricated from 2 or more ingredients, and their labels failed to bear the common or usual name of each ingredient, since phosphoric acid was present but was not declared on the labels.

DISPOSITION: February 6, 1946. The sole intervener having consented to the entry of a decree, judgment of condemnation was entered and the products were ordered destroyed.

10703. Adulteration of imitation grape sirup. U. S. v. 3 Barrels * * *. (F. D. C. No. 18190. Sample No. 858-H.)

LIBEL FILED: October 22, 1945, Northern District of Georgia.

ALLEGED SHIPMENT: On or about July 14, 1945, by the X-L Sales Co., from Memphis, Tenn.

PRODUCT: 3 55-gallon barrels of imitation grape sirup at Atlanta, Ga. Examination showed that the product was undergoing fermentation.

LABEL, IN PART: "X-L Quality Beverages F-X Brand Imitation Grape Syrup."

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

DISPOSITION: December 14, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10704. Misbranding of lime juice. U. S. v. 1,811 Cases * * *. (F. D. C. No. 18998. Sample No. 8160-H.)

LIBEL FILED: January 22, 1946, Southern District of New York.

ALLEGED SHIPMENT: On or about November 7, 1945, by the Seminole Fruit & Preserving Co., Inc., from Little River, Fla.

PRODUCT: 1,811 cases, each containing 24 bottles, of lime juice at New York, N. Y. A recipe sheet was wrapped around each bottle.

LABEL, IN PART: (Bottle label) "Cobbs Lime Juice Natural Full Strength Unsweetened Use the same as fresh fruit juice, as this is Undiluted Lime Juice No artificial Coloring or Flavor is used. Contains 1/10 of 1% Sodium Benzoate as a preservative * * * Net Contents 6 Fl. Ozs."

NATURE OF CHARGE: Misbranding, Section 403 (a), the statement on the bottle label "It has more important Citric Acid than any other Fruit Juice" was misleading since the statement suggested that the citric acid content of the article was of some nutritional or therapeutic significance, whereas the citric acid content of the article was not of nutritional or therapeutic significance.

Further misbranding, Section 403 (a), the following statements on the wrapper were false and misleading since the article was not pure lime juice but contained added benzoate of soda; it would not be effective to produce good health and to prevent or correct the conditions stated and implied; and it would not be effective for reducing: "Pure Lime Juice—For Good Health! * * * Health Hint * * * an aid to sharpen jaded appetites. * * * Men and women inclined towards obesity have found a natural healthful medium for reducing * * * recognized as a natural remedy for many ills of the body. Very few people truly understand its therapeutic value to good health. * * * beneficial to good health. * * * Dermatologists have found that pure Lime Juice may be used in the treatment of various skin diseases caused by impure blood * * * Pure Lime Juice in treating Arthritis, Rickets, Rheumatism and Scurvy * * * Pure Lime Juice will activate sluggishness and help in the elimination of uric acid from the human body * * * Lime Juice in water on rising and retiring will help in reducing overweight. Countless women and men have discovered this gentle, natural aid to obesity."

Further misbranding, Section 403 (f), the name and place of business of the manufacturer, packer, or distributor, the statement of the quantity of the contents, and the declaration of the chemical preservative, benzoate of soda, required by law to appear on the label of the article, were not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render them likely to be read by the ordinary individual under customary conditions of purchase and use, since they appeared in small type on intermediate panels of the bottle label; and, Section 403 (k), the article contained a chemical preservative, benzoate of soda, and it failed to bear labeling stating that fact, since the presence of the chemical preservative was not declared on the wrapper label.

The article was alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 1875.

DISPOSITION: April 3, 1946. The Seminole Fruit & Preserving Co., Inc., 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 Federal Security Agency.

10705. Adulteration of canned orange juice. U. S. v. 2,740 Cases * * *. (F. D. C. No. 19002. Sample Nos. 9161-H, 9162-H.)

LIBEL FILED: January 24, 1946, Eastern District of New York.

ALLEGED SHIPMENT: On or about December 5, 1945, by American Institute of Trade, from Savannah, Ga.

PRODUCT: 2,740 cases, each containing 6 3-quart cans, of orange juice at Brooklyn, N. Y.

LABEL, IN PART: "Glen-Rae [or "Old South Brand"] * * * Packed by Pasco Packing Association Dade City, Florida."

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

DISPOSITION: April 11, 1946. The claimant having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

10706. Adulteration and misbranding of orange drink. U. S. v. 394 Cases * * *. (F. D. C. No. 18382. Sample No. 24726-H.)

LIBEL FILED: November 15, 1945, Western District of Louisiana.

ALLEGED SHIPMENT: On or about August 9, 1945, by Sun-y-Juce Citrus Products of Texas, Inc., from Dallas, Tex.

PRODUCT: 394 cases, each containing 6 ½-gallon bottles, of orange drink at Shreveport, La. Analysis showed that the product was an artificially colored mixture of water and sugar, acidulated with phosphoric acid, flavored with orange peel oil, containing approximately 12 percent orange juice, and preserved with benzoate of soda. It contained added thiamine and little or no vitamin C. The article had the appearance, odor, and taste of an orange juice or of a beverage containing a large quantity of orange juice.

LABEL, IN PART: "Orange Sun-y-Juce—California Orange Drink * * * A Fruit Juice Product."