

## BEVERAGES AND BEVERAGE MATERIALS

**16401. Adulteration of strawberry soda pop and Double cola. U. S. v. Frank A. Schorgl and Matt J. Hoey, Jr. (Nesbitt Bottling Co.). Pleas of nolo contendere. Fine of \$100 against each defendant. (F. D. C. No. 23244. Sample Nos. 67320-H to 67323-H, incl.)**

**INFORMATION FILED:** November 25, 1947, Western District of Missouri, against Frank A. Schorgl and Matt J. Hoey, Jr., copartners, trading as the Nesbitt Bottling Co., Kansas City, Mo.

**ALLEGED SHIPMENT:** Between the approximate dates of July 27 and 30, 1946, from the State of Missouri into the State of Kansas.

**LABEL, IN PART:** "Artificial Color & Flavor Big Red Strawberry" and "Double Cola Flavor From Seminole Flavor Company."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, sugar, had been in part omitted from the articles; Section 402 (b) (2), beverages sweetened in part with saccharin had been substituted for beverages sweetened with sugar; and, Section 402 (b) (4), saccharin had been added to the articles and mixed with them so as to reduce their quality.

**DISPOSITION:** On February 10, 1950, Frank A. Schorgl entered a plea of nolo contendere and was fined \$100; on May 5, 1950, Matt J. Hoey, Jr., also entered a plea of nolo contendere and was fined \$100.

**16402. Adulteration and misbranding of Albert's Portland punch. U. S. v. 107 Cases, etc. (F. D. C. No. 27923. Sample Nos. 50817-K to 50819-K, incl.)**

**LIBEL FILED:** October 20, 1949, Western District of Washington.

**ALLEGED SHIPMENT:** On or about July 26 and 27 and August 31, 1949, by Albert's Products Co., Inc., from Portland, Oreg.

**PRODUCT:** Albert's Portland punch. 107 cases, each containing 24 12-ounce bottles, and 97 cases, each containing 12 24-ounce bottles, at Seattle, Wash.

**LABEL, IN PART:** "Albert's Portland Punch Loganberry-Raspberry Concentrate Made from Sugar, Water and Raspberry Juice, Flavor Base of Loganberry, Raspberry and Orange."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2) an article containing little or no loganberry or raspberry juice, but containing sugar, certified color, and acid, had been substituted in whole or in part for loganberry-raspberry concentrate, which the article purported to be.

Misbranding, Section 403 (a), the vignette depicting clusters of berries, together with the statements "Loganberry-Raspberry Concentrate Made from Sugar, Water and Raspberry Juice, Flavor Base of Loganberry, Raspberry and Orange," were false and misleading since the product contained little or no loganberry or raspberry juice.

**DISPOSITION:** May 25, 1950. Albert's Products Co., Inc., of Portland, Oreg., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond, to be relabeled under the supervision of the Food and Drug Administration.

**16403. Misbranding of frozen concentrated orange juice. U. S. v. 399 Cases \* \* \*. (F. D. C. No. 28877. Sample No. 68849-K.)**

**LIBEL FILED:** February 28, 1950, Western District of Washington; amended libel filed June 29, 1950.