

of each ingredient, since the label failed to declare the presence of citric acid.

It was alleged further that on January 13, 1958, the defendants had on hand stocks of the articles which in the ordinary course of business would be shipped in interstate commerce, and that such stocks constituted a menace to interstate commerce because of contamination with filth.

The complaint alleged further that the defendants were well aware that their activities violated the Act; that various inspections had been made by the Food and Drug Administration at which times the insanitary conditions in the plant were called to the attention of the defendants; and that despite such warnings, the defendants failed to correct the insanitary conditions in the plant and continued to introduce into interstate commerce, the articles which were adulterated and misbranded as specified above.

**DISPOSITION:** On 5-7-58, the defendants having consented, the court entered a decree permanently enjoining and restraining the defendants from introducing into interstate commerce, cider or vinegar which was adulterated within the meaning of 402(a) (3) and (4) as alleged in the complaint, or any acidulated mixture of water and limejuice which was adulterated within the meaning of 402(a) (3) and (4), or misbranded within the meaning of 403(a) and 403(i) (2) as alleged in the complaint. The order also enjoined defendants against introducing into interstate commerce, any of the stocks of the articles which were on hand at the defendants' plant on 1-13-58, unless and until such stocks were processed or disposed of, and the conditions at the defendants' plant were corrected and brought into compliance with the Act in accordance with the following provisions:

(a) that all sweet cider be analyzed by the Food and Drug Administration and its disposition determined on the basis of the results of the analyses; (b) that the middle layer of vinegar in each tank be layered off and filtered before bottling and sale; (c) that the bottom and top layers of vinegar in each tank be destroyed; (d) that the tanks and vats in defendants' plant be reconditioned and cleaned under supervision of the Food and Drug Administration; that repairs and improvements be made to the plant and its equipment to insure that they be kept free from filth and debris; that defendants dispose of all citric acid on hand; and that all "Princess Ann West India Lime Fruit Juice" labels be destroyed or brought into compliance with the Act.

**25415. Orange juice.** (F.D.C. No. 42789. S. No. 2-830 P.)

**QUANTITY:** 280 cases, 12 1-qt. ctns. each, at Atlanta, Ga.

**SHIPPED:** 9-23-58, from Clermont, Fla.

**LIBELED:** 1-14-59, N. Dist. Ga.

**CHARGE:** 402(b) (2)—while held for sale, water had been substituted in part for orange juice; 402(b) (4)—water had been added to orange juice or mixed or packed with it so as to increase its bulk and reduce its quality; and 403(a)—the vignette depicting oranges dripping juice into a Redi-Maid carton, and the label statement "A superior blend of Florida orange juice and reconstituted orange juice with sucrose added" were false and misleading since they represented and suggested that the article was orange juice, sweetened; whereas, it was diluted orange juice, sweetened.

**DISPOSITION:** 2-18-59. Default—delivered to a public institution for its use and not for sale.

**25416. Grapejuice.** (F.D.C. No. 42608. S. Nos. 37-095 P, 54-286 P.)

**QUANTITY:** 106 cases, 12 btls. each, at St. Louis, Mo.

SHIPPED: 11-26-58 and 12-10-58, from Chicago, Ill., by W. O. Sommers, Inc.  
 LABEL IN PART: (Btl.) "24 Ounces So-Li-Cious Pure Concord Grape Juice  
 No Sugar Added Packed By W. O. Sommers, Inc., Chicago 39, Ill."

LIBELED: 1-9-59, E. Dist. Mo.

CHARGE: 402(a)(3)—contained fruit flies and fly eggs when shipped.

DISPOSITION: 2-3-59. Default—destruction.

### VEGETABLES AND VEGETABLE PRODUCTS\*

25417. Fresh spinach. (F.D.C. No. 41305. S. Nos. 79-105/6 M.)

QUANTITY: 1,130 bushel baskets at New York, N.Y.

SHIPPED: 12-13-57, from Crystal City, Tex., by Warren Wagner Shed.

LIBELED: 12-30-57, S. Dist. N.Y.

CHARGE: 402(a)(2)—when shipped, the article was a raw agricultural commodity and it contained a pesticide chemical, namely, DDT, which is unsafe within the meaning of 408 since the quantity of pesticide chemical on the article exceeded the limits of the tolerance prescribed by regulations.

DISPOSITION: 1-14-58. Default—destruction.

25418. Dried pinto beans. (F.D.C. No. 42618. S. No. 36-676 P.)

QUANTITY: 47 ctns., 12 2-lb. bags each, and 12 ctns., 12 5-lb. bags each, at Helena, Ark., in possession of Feldman Commission Co., Inc.

SHIPPED: 4-16-58 and 6-14-58, from Gering, Nebr.

LIBELED: 12-15-58, E. Dist. Ark.

CHARGE: 402(a)(3)—contained insects; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 2-5-59. Default—delivered to a public institution, for use as animal feed only.

25419. Dried lima beans. (F.D.C. No. 42670. S. No. 10-210 P.)

QUANTITY: 127 100-lb. bags at Oakfield, N.Y., in possession of Haxton Foods, Inc.

SHIPPED: 3-6-57, from Crows Landing, Calif.

LIBELED: 1-26-59, W. Dist. N.Y.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 3-2-59. Consent—claimed by Haxton Foods, Inc., and cleaned by washing.

25420. Dried lima beans. (F.D.C. No. 42579. S. No. 3-240 P.)

QUANTITY: 6 100-lb. bags at Jacksonville, Fla., in possession of Daylight Grocery Co.

SHIPPED: 7-28-58, from Irvine, Calif.

LIBELED: 12-18-58, S. Dist. Fla.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 1-9-59. Default—destruction.

\*See also Nos. 25361, 25364, 25370, 25372.