

18710. Misbranding of Za-Rex fruit sirups. U. S. v. 1,428 Cases of Za-Rex Fruit Sirups. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26408. I. S. Nos. 20137, 20138, 20139, 20140, 20146. S. No. 4691.)

Samples of Za-Rex fruit sirups from the shipments herein described having been found to be short of the declared volume, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On May 25, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 1,428 cases of Za-Rex fruit sirups, of assorted flavors, remaining in the original unbroken packages at New York, N. Y., alleging that the articles had been shipped by the Za-Rex Co. (Inc.), on or about November 20, 1930 (portions of the articles were shipped on or about April 20, August 4, and August 19, 1930), and had been transported from the State of Massachusetts into the State of New York, and charging misbranding in violation of the food and drugs act as amended. The articles were labeled in part: (Bottle) "Za-Rex Contents One Pint Chocolate [or "Raspberry," "Pineapple," "Strawberry," "Lemon and Lime," "Punch," "Lemon," or "Orange"] * * * The Ra-Rex Company, Inc. Boston, Mass;" (case) "Pint Jugs."

It was alleged in the libel that the article was misbranded in that the statement, to wit, "Pint Jugs," borne on the cases, and the statement, to wit, "Contents One Pint," borne on the bottles, were false and misleading and deceived and misled the purchaser, since the said bottles contained less than 1 pint of the articles. Misbranding was alleged for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct.

On June 23, 1931, the Zarex Co. (Inc.), claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$3,000, conditioned in part that the bottles be refilled to the declared volume.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18711. Adulteration and misbranding of Za-Rex fruit sirups. U. S. v. 40 Cases of Za-Rex Cherry Fruit Juice Syrup, et al. Consent decree of condemnation and forfeiture. Product released under bond. F. & D. No. 26349. I. S. Nos. 16239 to 16243, incl. S. No. 4659.)

Examination of sample bottles of the variously flavored fruit sirups herein described showed that the bottles contained less than the volume declared on the label; that the cherry sirup contained an added artificial flavor, namely, benzaldehyde; and that the grape sirup was colored with a coal-tar dye and not a vegetable color, as labeled.

On or about May 13, 1931, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the district aforesaid, holding a District Court, a libel praying seizure and condemnation of 259 cases, each containing six glass jugs of Za-Rex fruit juice sirups of assorted flavors, at Washington, D. C., alleging that the articles were being sold and offered for sale in the District of Columbia by the Carpel Co. (Inc.), Washington, D. C., and that they were misbranded in violation of the food and drugs act as amended, and that the cherry sirup was also adulterated. The articles were labeled in part: (Jug) "Za-Rex Raspberry ["Cherry," "Strawberry," "Punch," or "Grape"] * * * Manufactured and Guaranteed by The Za-Rex Company, Inc., Boston, Mass." With the exception of the punch the articles were further labeled: "A Pure Fruit Juice Flavored Syrup." The declaration "Certified Color" appeared on all labels with the exception of the label of the grape, on which the statement "Vegetable Color" appeared.

Adulteration was alleged in the libel with respect to the cherry sirup for the reason that artificial flavor had been substituted in part for a cherry fruit juice flavored sirup, which the article purported to be, and for the further reason that the article was mixed with artificial flavor in a manner whereby its inferiority was concealed.

Misbranding was alleged with respect to all products for the reason that the statement, "Contents 1 pint," on the jug label, was false and misleading and