27775. Adulteration and misbranding of Mixade. U. S. v. 22 Cartons and 75 Cartons of Mixade. Default decrees of condemnation and destruction. (F. & D. Nos. 39907, 39944. Sample Nos. 20867–C, 20868–C, 20869–C, 27321–C, 27322–C, 27323–C.)

These products were labeled to convey the impression that they were bases for the making of fruitade. Examination showed that they consisted of water, acid, artificial color, and citrus-oil flavor or artificial flavor, with little or no fruit juices.

On June 28 and July 6, 1937, the United States attorneys for the District of Rhode Island and the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 22 cartons of Mixade at Providence, R. I., and 75 cartons of Mixade at Newark, N. J., alleging that the articles had been shipped in interstate commerce on or about April 15 and May 3, 1937, by the Ruby California Products Co. from Lynn, Mass., and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: "Hostess Mixade * * * Orange [or "Lemon-Lime" or "Grape"] * * * Mf'd & Guaranteed by Ruby California Products Co., Lynn, Mass."

The articles were alleged to be adulterated in that mixtures of water, acid, artificial color, and citrus-oil flavor, or artificial flavor, containing little or no fruit juices, had been substituted wholly or in part for the articles; and in that they were mixed and colored in a manner whereby inferiority was concealed.

They were alleged to be misbranded in that the following statements on the label were false and misleading and tended to deceive and mislead the purchaser when applied to articles consisting of water, acid, artificial color, and citrus-oil flavor or artificial flavor, with little or no fruit juices, "Mixade * * * Orange," "Mixade * * * Lemon-Lime," and "Mixade * * * Grape"; and in that they were imitations of other articles.

On August 11 and September 27, 1937, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

27776. Adulteration and misbranding of Lem-Mix Concentrate. U. S. v. 57 Bottles of Lem-Mix Concentrate. Default decree of condemnation and destruction. (F. & D. No. 39960. Sample No. 47123–C.)

This product was labeled to convey the impression that it was a lemon concentrate; whereas it consisted of an acid solution, artificial color, and a small proportion of lemon juice. The statement of contents was ambiguous since it did not indicate whether weight or volume was meant.

On July 9, 1937, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 57 bottles of Lem-Mix Concentrate at Trenton, N. J., alleging that the article had been shipped in interstate commerce on or about May 25, 1937, by the Tavern Fruit Juice Co., Inc., from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Capitol City Lem-Mix Concentrate Artificially Flavored, Artificially Colored, * * * Bottled for Trenton Beverage Co. Trenton, New Jersey Contents 16 Ozs."

It was alleged to be adulterated in that an imitation lemon concentrate consisting of an acid solution, artificial color, and a small proportion of lemon juice had been substituted wholly or in part for lemon concentrate, which it purported to be; and in that it had been mixed and colored in a manner whereby inferiority was concealed.

The article was alleged to be misbranded in that the statement "Lem-Mix Concentrate" was false and misleading and tended to deceive and mislead the purchaser when applied to an article that consisted of an acid solution, artificial color, and a small proportion of lemon juice; and in that it was an imitation of and was offered for sale under the distinctive name of another article, namely, lemon concentrate. It was alleged to be misbranded further in that it was 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 "16 Ozs." was ambiguous and did not indicate whether weight or volume was meant.

On September 27, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*