

# United States Department of Agriculture

## FOOD AND DRUG ADMINISTRATION

### NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

22026-22075

[Approved by the Acting Secretary of Agriculture, Washington, D.C., August 31, 1934]

**22026. Adulteration and misbranding of orange, lemon, and grapefruit juices. U. S. v. Zohios Angelos (Angelos Candy Co.). Plea of guilty. Fine, \$25. (F. & D. no. 27567, I. S. nos. 17244, 17245, 17246, 35852, 35853.)**

This case was based on interstate shipments of products represented to consist of real orange, lemon, and grapefruit juices, respectively. Examination showed that the articles consisted of fruit juices diluted with sugar and water and preserved with sodium benzoate, the orange and grapefruit containing added citric acid. The products were also found to be short volume.

On May 21, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Zohios Angelos, trading as Angelos Candy Co., Chicago, Ill., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about June 22, 1931, from the State of Illinois into the State of Michigan, of quantities of alleged real fruit juices which were adulterated and misbranded. The articles were labeled in part: (Glasses "Real Fruit Juices Contents: 16 Fl. Oz. Orange [or "Lemon" or "Grapefruit"] Angelos \* \* \* 3329 and 3331 N. Western Ave. \* \* \* Chicago."

It was alleged in the information that the articles were adulterated in that orange or grapefruit juice diluted with sugar and water, acidulated with added citric acid, and preserved with sodium benzoate had been substituted for real orange or grapefruit juice, and in that lemon juice diluted with sugar and water and preserved with sodium benzoate had been substituted for real lemon juice.

Misbranding was alleged for the reason that the statements, "Real Fruit Juice Orange", "Real Fruit Juice Lemon", "Real Fruit Juice Grapefruit", "Contents 16 Fl. Oz.", borne on the glasses containing the articles, were false and misleading, and for the further reason that the articles were labeled so as to deceive and mislead the purchaser, since they did not consist wholly of real orange, lemon, or grapefruit juice, and the glasses contained less than 16 fluid ounces. Misbranding was alleged for the further reason that the articles were foods in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On February 21, 1934, the defendant entered a plea of guilty, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22027. Adulteration and misbranding of apricot-, blackberry-, and cherry-flavored sirups. U. S. v. Joseph B. Pahls, and Clemens A. Pahls. Pleas of guilty. Fine, \$25. (F. & D. no. 28161. I.S. nos. 25673, 25674, 25676.)**

This case was based on interstate shipments of artificially flavored and colored imitation fruit-flavored sirups.

On December 13, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Joseph B. Pahls and Clemens A. Pahls, members.

of a copartnership trading as Joe Grein and J. Pahls, Chicago Ill., alleging shipment by said defendants in violation of the Food and Drugs Act, on or about March 18, 1931, and May 27, 1931, from the State of Illinois into the State of Indiana, of quantities of apricot-, blackberry-, and cherry-flavored sirups which were adulterated and misbranded. The articles were labeled in part: (Bottles) "Look for the Lily G. and P. Brand Apricot [or "Blackberry" or "Cherry"] Flavored Syrup Artificially Colored Citric Acid Added \* \* \* Joe Grein & J. Pahls. \* \* \* Chicago."

It was alleged in the information that the apricot sirup was adulterated in that an imitation apricot-flavored sirup containing no true apricot flavor but containing citric acid and artificial flavor and color had been substituted for apricot-flavored sirup to which had been added citric acid and artificial flavor and color, which the article purported to be, but was not, since it was not apricot-flavored sirup either before or after the addition of citric acid and artificial flavor and color. Adulteration of the blackberry- and cherry-sirups was alleged for the reason that imitation blackberry or cherry flavored sirups containing citric acid, artificially colored, and flavored with undeclared artificial flavor had been substituted for the articles.

Misbranding was alleged for the reason that the statements, "Apricot Flavored Syrup", "Blackberry Flavored Syrup", "Cherry Flavored Syrup", borne on the labels, were false and misleading and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the articles were not fruit-flavored sirups but were imitations, and the word "imitation" was not borne on the labels of the containers. Misbranding was alleged for the further reason that the articles were imitations of other articles and were offered for sale under the distinctive names of such other articles, since the apricot sirup contained no apricot, the blackberry sirup was not flavored with blackberry, and the cherry sirup contained no true cherry flavor.

On March 10, 1934, the defendants entered pleas of guilty, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22028. Misbranding of cottonseed meal. U. S. v. Richard K. Wootten, James W. Simmons, George A. Simmons, and Tom B. Simmons (Quanah Cotton Oil Co.). Plea of guilty. Fine, \$25. (F. & D. no. 29371. I.S. no. 47486.)**

This case was based on an interstate shipment of cottonseed meal that contained less than 43 percent of protein, the amount declared on the label.

On December 5, 1932, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Richard K. Wootten, James W. Simmons, George A. Simmons, and Tom B. Simmons, copartners, trading as Quanah Cotton Oil Co., Quanah, Tex., alleging shipment by said defendants in violation of the Food and Drugs Act on or about December 19, 1931, from the State of Texas into the State of Kansas, of a quantity of cottonseed meal that was misbranded. The article was labeled in part: (Tag) "43% Protein Cottonseed Meal Prime Quality Manufactured By Quanah Cotton Oil Co. Quanah, Texas. Guaranteed Analysis: Crude Protein not less than 43.00 Per Cent."

It was alleged in the information that the article was misbranded in that the statements, "Guaranteed Analysis: Crude Protein not less than 43.00 Per Cent", and "43% Protein Cottonseed Meal", borne on the tag, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it contained less than 43 percent of protein.

On February 2, 1934, a plea of guilty was entered, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22029. Adulteration of canned frozen eggs. U. S. v. Tranin Egg Products Co. Plea of guilty. Fine, \$25. (F. & D. no. 29384. I.S. nos. 36942, 36943.)**

This case was based on an interstate shipment of canned frozen eggs that were found to be in part decomposed.

On January 20, 1933, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Tranin Egg Products Co., a corporation, Kansas City, Mo., alleging shipment by said company in violation of the Food and Drugs Act, on or about June 9, 1931, from the State of Missouri into the