

22065. Adulteration and misbranding of fruit sirups. U. S. v. Savoy Drug & Chemical Co. Plea of guilty. Fine, \$50. (F. & D. no. 28078. I. S. nos. 41751, 41752, 41753.)

This case was based on an interstate shipment of products which were represented to consist of fruit sirups but which were found to contain less fruit than standard fruit sirups, the raspberry and orange being artificially colored and the cherry containing added artificial flavor, benzaldehyde. The statement of the quantity of the contents was not made in terms of liquid measure.

On July 8, 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 the Savoy Drug & Chemical Co., a corporation, Chicago, Ill., alleging shipment by said company under the name of the Ardo Co., in violation of the Food and Drugs Act, on or about July 18, 1931, from the State of Illinois into the State of Wisconsin, of quantities of products invoiced as "Raspberry Juice", "Orange Juice", and "Cherry Juice", respectively, which were adulterated and misbranded. One of the lots was labeled in part: "One Pound Dernehl's * * * Raspberry Juice With Cane Sugar Fruit Acid Added * * * Distributed by A. Dernehl & Sons Co. Milwaukee, Wisconsin." The other lots bore similar labels with the exception of the name of the variety, "Orange" or "Cherry."

It was alleged in the information that the raspberry and orange sirups were adulterated in that cane sirup products flavored with raspberry or orange concentrates containing but negligible amounts of natural raspberry or orange juices, and which were colored with undeclared artificial color, had been substituted for raspberry juice with cane sugar, and orange juice with cane sugar, which the articles purported to be. Adulteration of the cherry sirup was alleged for the reason that a cane sirup product flavored with undeclared artificial flavor in imitation of cherry, and deficient in true cherry juice, and containing a negligible amount of cherry juice had been substituted for cherry juice with cane sugar, which the articles purported to be. Adulteration was alleged for the further reason that the raspberry and orange sirups were colored in a manner whereby inferiority was concealed, and in that the cherry sirup had been mixed with undeclared artificial flavor in a manner whereby its inferiority was concealed.

Misbranding was alleged for the reason that the statements, "Raspberry Juice With Cane Sugar", "Orange Juice With Cane Sugar", "Cherry Juice With Cane Sugar", together with the pictorial designs of raspberries, oranges, and cherries, borne on the labels, were false and misleading, and for the further reason that the articles were labeled so as to deceive and mislead the purchaser. Misbranding was alleged for the further reason that the articles were imitations of other articles, for the further reason that they were offered for sale, i.e., invoiced, under the distinctive names of other articles, namely, "Raspberry Juice", "Orange Juice", and "Cherry Juice", and for the further reason that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since they were liquid products and the packages bore no statement as to the quantity of the contents in terms of liquid measure.

On February 15, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$50.

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

22066. Adulteration of canned shrimp. U. S. v. 948 Cases of Canned Shrimp. Consent decree of condemnation and forfeiture. Product released under bond for separation and destruction of decomposed portion. (F. & D. no. 31252. Sample no. 51452-A.)

This case involved a shipment of canned shrimp variously coded. Samples taken from certain of the codes were found to be decomposed.

On October 17, 1933, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 948 cases of canned shrimp at New York, N.Y., alleging that the article had been shipped in interstate commerce on or about September 2, 1933, by the Fisher Seafood Co., from Lafitte, La., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, variously: "Seamaid Brand

Shrimp", "Checker Wet Shrimp", or "Fisher's Sea Best Brand * * * Shrimp."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed animal substance.

On February 17, 1934, the Fisher Sea Food Co., 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 product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$2,000, conditioned that the decomposed portion be destroyed.

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

22067. Adulteration and misbranding of fruit sirups. U. S. v. 1,251 Bottles of Cherry Sirup, et al. Decree of condemnation and forfeiture. Products released under bond to be relabeled. (F. & D. no. 31155. Sample nos. 55498-A, 55499-A, 55501-A, 55502-A, 55503-A.)

This action involved quantities of products represented to be pure fruit sirups. They were found to consist of mixtures of sugar, water, fruit juices, and added acid, and would be properly described as fruit-flavored sirups. The statement of the quantity of the contents appearing on the label was not expressed in terms of liquid measure.

On September 25, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure, and condemnation of 7,125 bottles of cherry, fruit punch, loganberry, raspberry, and strawberry sirups at Philadelphia, Pa., alleging that the articles had been shipped in interstate commerce in various shipments on or about April 15, May 25, and July 21, 1932, by the Orchard Products Co., from Chicago, Ill., and charging adulteration and misbranding under the Food and Drugs Act as amended. The articles were labeled variously in part: (Bottles) "Pure Cherry" [or "Fruit Punch", or "Loganberry", or "Raspberry", or "Strawberry"] * * * 16 oz. net weight."

It was alleged in the libels that the articles were adulterated in that mixtures of sugar, water, fruit juices, and undeclared added acid had been substituted for pure fruit sirups. Adulteration was alleged for the further reason that the articles had been mixed in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statements "Pure Fruit Punch Syrup * * * A delicious blend of fruits, fruit juices and rock candy syrup", "Pure Cherry Syrup [or "Pure Loganberry Syrup", "Pure Raspberry Syrup", or "Pure Strawberry Syrup"] * * * made from the juice of fresh cherries [or "Loganberries", "Raspberries", or "Strawberries"] and rock candy syrup", were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the articles were offered for sale under the distinctive names of other articles and for the further reason that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statement was not expressed in terms of liquid measure.

On September 28, 1933, the Orchard Products Co. having appeared as claimant and the cases having been consolidated into one cause of action, judgment of condemnation and forfeiture was entered, and it was decreed by the court that the products be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that they be relabeled under the supervision of this Department.

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

22068. Adulteration and misbranding of preserves. U. S. v. Eigelbner Food Products Co. Plea of guilty. Fine, \$150. (F. & D. no. 30253. Sample nos. 18952-A, 18953-A, 18958-A.)

This action involved quantities of preserves that were deficient in fruit and contained undeclared pectin, the strawberry and blackberry also containing added tartaric acid.

On September 22, 1933, 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 the Eigelbner Food Products Co., a corporation, Chicago, Ill., alleging shipment by said company in violation of the Foods and Drugs Act, on or about April 6, 1932, from the State of Illinois into the State of Iowa, of quantities of raspberry, strawberry, and blackberry