

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

151-325

FOODS

The cases reported herewith were instituted in the United States District courts by the United States attorneys, acting upon reports submitted by direction of the Secretary of Agriculture.

GROVER B. HILL, *Acting Secretary of Agriculture.*

Washington, D. C., March 23, 1940.

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BEVERAGES AND BEVERAGE MATERIALS

151. Adulteration of lemon juice. U. S. v. 12 Cases of Lemon Juice. Default decree of condemnation and destruction. (F. D. C. No. 526. Sample No. 65475-D.)

This product was undergoing chemical decomposition and was unfit for food because of its metallic taste.

On August 30, 1939, the United States attorney for the Southern District of Ohio filed a libel (amended September 15, 1939) against 12 cases of lemon juice at Cincinnati, Ohio, consigned on or about July 5, 1939, alleging that the article had been transported in interstate commerce by Bell & Co. from Chicago, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance and was otherwise unfit for food. The article was labeled in part: (Cans) "Val Vita Brand Natural California Lemon Juice Packed by Val Vita Food Products Inc. Fullerton California."

On October 27, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

152. Misbranding of tea. U. S. v. 15 Cartons of Tea. Default decree of condemnation. Product distributed to public or charitable institutions. (F. D. C. No. 1079. Sample No. 74097-D.)

This product was found to be short of the declared weight; and it occupied only about 66 percent of the capacity of the package.

On November 28, 1939, the United States attorney for the District of Rhode Island filed a libel against 15 cartons, each containing 36 packages of tea, at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about November 10, 1939, by Dwinell-Wright Co. from Boston, Mass.; and charging that it was misbranded.

It was alleged to be misbranded in that the statement on the label, "3 Oz Net," was false and misleading as applied to an article that was short in