502. Misbranding of prune juice. U. S. v. 20 Cases of Prune Juice. Default decree of condemnation and forfeiture. Product distributed to charitable organizations. (F. D. C. No. 1338. Sample No. 83452–D.)

Examination showed the containers of this product to be short of the declared volume, the average shortage being 7.87 percent.

On January 11, 1940, the United States attorney for the Southern District of California filed a libel against 20 cases, each containing 6 cans, of the juice of dried prunes at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about December 18, 1939, by H. S. Gile & Co. from Salem, Oreg.; and charging that it was misbranded. The article was labeled in part: "Oregon State Prize Brand Unsweetened Juice of Oregon Dried Prunes Water Added. * * * Net Contents 98.8 Fluid Ounces."

It was alleged to be misbranded in that its labeling was false and misleading. It was alleged to be misbranded further in that it was in package form and its label did not bear an accurate statement of the quantity of the contents.

On April 16, 1940, no claimant having appeared, a decree of condemnation and forfeiture was entered and the product was ordered delivered to charitable organizations.

503. Adulteration of tomato juice. U. S. v. 621 Cases, 70 Cases, and 336 Dozen Cans of Tomato Juice. Decrees of condemnation and destruction. (F. D. C. Nos. 1369, 1446, 1447. Sample Nos. 68641–D, 85617–D, 86261–D.)

This product was found to contain excessive mold, indicating the presence of decomposed material.

On January 17 and February 5, 1940, the United States attorneys for the District of New Jersey and the Southern District of New York filed libels against 621 cases of tomato juice at Newark, N. J., and 70 cases and 336 dozen cans of tomato juice at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about October 13 and November 1, 1939, by the Apte Bros. Canning Co. from Milton, Del.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The product was labeled in part: "Iona Tomato Juice * * * Packed for the Great Atlantic & Pacific Tea Co., Distributors, New York, N. Y."

On April 26 and May 15, 1940, the Apte Bros. Canning Co., claimant in both cases, having defaulted in the action instituted in the Southern District of New York and having consented to the entry of a decree in the action instituted in the District of New Jersey, judgments of condemnation were entered, and it was ordered that the product be destroyed and that the costs be taxed against the claimant.

COFFEE AND TEA

504. Adulteration and misbranding of coffee. U. S. v. 9 Cartons of Coffee. Default decree of condemnation and destruction. (F. D. C. No. 1433. Sample No. 65126–D.)

Examination of this product showed that it was a mixture of coffee, cereal, and seeds of foxtail grass.

On February 2, 1940, the United States attorney for the Eastern District of Kentucky filed a libel against 9 cartons, each containing 30 bags of coffee, at Stanford, Ky., alleging that the article had been shipped in interstate commerce on or about January 13, 1939, by the Koenig Coffee Co., from Cincinnati, Ohio; and charging that it was adulterated and misbranded. It was labeled in part: "Koenig's Fresh Roasted Spoon Coffee * * * Packed By the J. Henry Koenig Co., Cincinnati."

The article was alleged to be adulterated in that a mixture of coffee, cereal, and seeds of foxtail grass had been substituted wholly or in part for coffee; and in that cereal and foxtail grass seeds had been added to or mixed therewith so as to reduce its quality or strength.

It was alleged to be misbranded in that the statement "Coffee" was false and misleading when applied to a mixture of coffee, cereal, and foxtail grass seeds; and in that it was offered for sale under the name of another food.

On February 27, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be delivered to a charitable organization or association, since it was not deleterious and was fit for human consumption.

505. Misbranding of tea. U. S. v. 90 Packages and 91 Packages of Tea. Default decree of condemnation. Product ordered delivered to a charitable organization. (F. D. C. Nos. 707, 708. Sample Nos. 47837–D, 47838–D.)

This product was in packages that were much larger than necessary to hold the declared amount of tea, it was short of the declared weight, and on the