FEDERAL SECURITY AGENCY

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]

3001–3225

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 Federal Security Administrator.

PAUL V. MCNUTT, *Administrator, Federal Security Agency.*

WASHINGTON, D. C., *September 24, 1942.*

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BEVERAGES AND BEVERAGE MATERIALS

3001. Adulteration of grape juice. U. S. v. 1,650 Cases of Grape Juice. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 6706. Sample Nos. 83190–E, 83191–E.)

This product contained added water.

On January 14, 1942, the United States attorney for the Western District of Louisiana filed a libel against 1,650 cases of grape juice at Monroe, La., alleging that the article had been shipped in interstate commerce on or about October 30, 1941, by the Nelson Canning Co. from Springdale, Ark.; and charging that it was adulterated in that water had been substituted in part therefor and in that water had been added thereto or mixed or packed therewith so as to increase its bulk or weight, reduce its quality or strength, or make it appear better or of greater value than it was. The article was labeled in part: (Can) "Nelson's Pure Concord Grape Juice."

On April 6, 1942, judgment of condemnation was entered and the product was ordered released under bond to the Nelson Canning Co., claimant, conditioned that it be brought into compliance with the law under the supervision of the Federal Security Agency.

3002. Adulteration and misbranding of grape punch base. U. S. v. 36 Cases of Grape Punch Base. Default decree of condemnation and destruction. (F. D. C. No. 6371. Sample Nos. 61092–E, 85530–E.)

This product was an artificially flavored and artificially colored imitation grape punch base containing less than 5 percent of grape juice or its equivalent in concentrated form. It was also short of the declared volume and misbranded further as indicated hereinafter.

On December 12, 1941, the United States attorny for the Western District of Washington filed a libel against 36 cases of grape punch base at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about July 9, 1940, by the E. A. Silzle Corporation, from Anaheim, Calif.; and charging that it was adulterated and misbranded. The article was labeled in part: "Citra-Gold 5 to 1 Grape Punch Base."

It was alleged to be adulterated in that a substance, namely, an artificially flavored and artificially colored imitation grape punch base which did not contain a substantial amount of grape juice or concentrated grape juice, had been substituted wholly or in part for "Grape Punch Base," an article containing a substantial amount of grape juice or concentrated grape juice; in that its inferiority had been concealed by the addition of artificial flavor and artificial color; and in that artificial flavor and artificial color had been added thereto so as to reduce its quality and make it appear better or of greater value than it was.

It was alleged to be misbranded in that the design of a cluster of grapes and the statements, "Grape Punch Base * * * Concentrated Concord Grape Juice * * * Grape Flavor * * * grape punch," borne on the label, were false and misleading as applied to an artificially flavored and artificially colored imitation grape punch base containing little or no grape juice or concentrated grape juice; in that the statement "Net Contents 5¾ Fl. Oz." was false and misleading since it was incorrect; in that it was offered for sale under the name of another food, namely, "Grape Punch Base"; in that it was an imitation of another food, namely, grape punch base, and its label did not bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated; in that it was in package form and did not bear an accurate statement of the quantity of the contents; and in that it contained artificial flavoring and failed to bear labeling stating that fact.

On March 30, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

3003. Adulteration of chocolate-flavored sirup. U. S. v. 55 Cases of Chocolate-Flavored Sirup. Default decree of condemnation and destruction. (F. D. C. No. 6085. Sample No. 22685–E.)

This product contained rodent hairs.

On October 28, 1941, the United States attorney for the District of Oregon filed a libel against 55 cases of chocolate-flavored sirup at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about September 13, 1941, by L. De Martini Co. from San Francisco, Calif.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. It was labeled in part: (Cans) "'Delux Pak' Double Strength Chocolate Flavored Syrup."

On March 23, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

CEREAL PRODUCTS

FLOUR

3004. Adulteration of flour. U. S. v. 211 Bags and 374 Bags of Flour (and 6 other seizure actions against flour). Decrees of condemnation. Portions of product ordered released under bond to be reconditioned; remainder ordered destroyed. (F. D. C. Nos. 5359, 5374, 5382, 5604, 5625, 5904, 5917. Sample Nos. 48508–E, 48710–E, 49194–E, 49195–E, 49664–E to 49667–E, incl., 67412–E to 67415–E, incl., 67652–E.)

In addition to being insect-infested, portions of this product also contained rodent hairs. The flour in two lots had been stored under insanitary condi-