

LABEL, IN PART: (Jugs) "Nutri Grape Grape Wine Base A vintage flavor," and the design of a cluster of grapes; or "Nutri Cherry Nutri Fruit Base Finest Ingredients Superior Quality," and the design of a cluster of cherries.

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (4), artificial flavoring, artificial color, and acid simulating the flavor, color, and acidity of grape sirup or cherry sirup had been added to the products and mixed and packed with them so as to make them appear better or of greater value than they were.

Misbranding, Section 403 (a), the statements and designs in the labeling described above suggested that the products contained substantial amounts of grape or cherry juices, whereas they contained little or no grape or cherry juices; Section 403 (c), the products were imitations of grape sirup and cherry sirup, products containing substantial and characterizing amounts of fruit juices, and their labels failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated; and, Section 403 (e) (2), they were fabricated from two or more ingredients and their labels failed to bear the common or usual name of the added acid.

DISPOSITION: December 19, 1944. The Victor Syrup Corporation, claimant, having admitted the material allegations of the libel, judgment of condemnation was entered and the products were ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

7705. Adulteration and misbranding of beverage sirups. U. S. v. 99 Jugs of Chocolate Egg Cream Flavor, 19 Jugs of Orange Flavor, and 74 Jugs of Strawberry Flavor. Default decree of condemnation. Product ordered delivered to a charitable organization. (F. D. C. No. 12721. Sample Nos. 76934-F to 76936-F, incl.)

LIBEL FILED: June 24, 1944, District of New Jersey.

ALLEGED SHIPMENT: On or about May 9, 1944, by the S. J. Baron Corporation, from New York, N. Y.

PRODUCT: 192 1-gallon jugs of beverage sirups at Newark, N. J.

LABEL, IN PART: "Master Brands of America Manufacturers New York."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), (chocolate egg cream flavor) valuable constituents, eggs and cream, had been in whole or in part omitted from the product; and (orange and strawberry flavors) valuable constituents, orange or strawberry juices, had been in whole or in part omitted from the products; and, Section 402 (b) (4), (orange) orange oil flavoring, artificial color, and acid, and (strawberry) artificial flavoring, artificial color, and acid, both simulating the flavor, color, and acidity, respectively, of products containing substantial and characterizing proportions of the designated fruit juices, had been added to the products and mixed and packed with them so as to make them appear better or of greater value than they were.

Misbranding, Section 403 (a), (chocolate egg cream flavor) the name, "A Beverage Syrup Chocolate Egg Cream Flavor," was misleading since it implied that the product contained a substantial amount of eggs and cream, whereas it contained little, if any, of those ingredients; (orange flavor) the label statement, "A Beverage Syrup Orange Flavor * * * orange juice," was false and misleading as applied to a product which contained little or no orange juice; and (strawberry flavor) the label statement, "A Beverage Syrup Strawberry Flavor * * * strawberry juice and fruit," was false and misleading since it implied that the product was strawberry sirup made from strawberry fruit, strawberry juice, and sugar; and, Section 403 (c), (orange and strawberry flavors) the products were imitations of other foods and their labels failed to bear, in type of uniform size and prominence, the word "Imitation" and, immediately thereafter, the name of the food imitated, i. e., orange or strawberry sirup.

DISPOSITION: October 23, 1944. No claimant having appeared, judgment of condemnation was entered and the products were ordered delivered to a charitable organization, after destruction of the labels.

7706. Adulteration and misbranding of fruit-flavored beverage sirups. U. S. v. 39 Cases of Nectar Syrup (and 1 other seizure action against beverage bases). Default decrees of condemnation. Portion ordered delivered to a charitable or public institution; remainder ordered destroyed. (F. D. C. Nos. 13070, 13400. Sample Nos. 71266-F to 71269-F, incl., 71619-F.)

LIBELS FILED: On or about August 15 and September 6, 1944, Western District of Washington and District of Oregon.

ALLEGED SHIPMENT: On or about April 19 and 22, 1944, by the Empire Freight Co., from Los Angeles, Calif.

PRODUCT: 39 cases, each containing 24 8-ounce bottles, of beverage sirups at Everett, Wash., and 163 cases, each containing 24 8-ounce bottles, of beverage sirups at Salem, Oreg.

LABEL, IN PART: (Bottles) "Home Brand Nectar Syrup Cherry [or "Orange," "Lemon," or "Grape"] Flavor with Other Natural Flavors * * * Greene Products Company Los Angeles, California."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), valuable constituents, concentrated cherry, orange, lemon, or grape juices, had been in whole or in part omitted from the products; Section 402 (b) (4), (cherry flavor) artificial flavor, artificial color, and acids; (orange flavor) artificial color, orange oil, and acids; (lemon flavor) artificial color, lemon oil, and acids; and (grape flavor) artificial color, artificial flavor, and acids had been added to and mixed and packed with the products so as to make them appear to be cherry, orange, lemon, or grape flavor sirups containing substantial amounts of concentrated fruit juices, which are better and of greater value than the products were.

Misbranding, Section 403 (a), the statements on the labels, (cherry flavor) "with Other Natural Flavors * * * Contains * * * Concentrated Cherry Juice, and Other Natural Flavors * * * can also be used to make marmalade and jelly"; (orange flavor) "Contains * * * Concentrated Orange Juice * * * making jelly and marmalade * * * Orange Juice—simply add water to this syrup and drink as orange juice"; (lemon flavor) "Contains * * * Concentrated Lemon Juice * * * can also be used to make marmalade and jelly"; and (grape flavor) "with Other Natural Flavors * * * Contains * * * Concentrated Grape Juice, and Other Natural Flavors * * * making jelly and marmalade * * * Grape Juice—simply by adding water to 'Nectar Syrup' drink as grape juice," were false and misleading as applied to products containing inconsequential amounts of concentrated fruit juices.

DISPOSITION: October 31 and November 28, 1944. No claimant having appeared, judgments of condemnation were entered and the lots at Salem were ordered delivered to a charitable or public institution, and the remaining lot was ordered destroyed.

7707. Adulteration and misbranding of grape juice. U. S. v. 7 Cases of Grape Juice. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 12953. Sample No. 81813-F.)

LABEL FILED: On or about July 15, 1944, District of Connecticut.

ALLEGED SHIPMENT: On or about June 8, 1944, by the Goodman Products Co., Brooklyn, N. Y.

PRODUCT: 7 cases, each containing 12 1-quart bottles, of grape juice at New Haven, Conn.

LABEL, IN PART: (Bottles) "Paradise Brand * * * Pure Concord Grape Juice."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), an acidulated and sweetened mixture of grape juice and water had been substituted in whole or in part for "Grape Juice Sugar Added," which the product was represented to be; and, Section 402 (b) (4), water had been added to the product and mixed and packed with it so as to reduce its quality or strength.

Misbranding, Section 403 (a), the statements, "Cont. 1 Fl. Quart Pure Concord Grape Juice Sugar Added This Grape Juice is the Pure Juice of the Ripe Concord Grape," were false and misleading as applied to an acidulated and sweetened mixture of grape juice and water which was short of the declared volume; and, Section 403 (e) (2), the product was a food in package form, and it failed to bear a label containing an accurate statement of the quantity of the contents since the bottles contained less than "1 Fl. Quart," the volume declared.

DISPOSITION: December 4, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions, after the labels had been removed.