When using Esterex no Benzoate of Soda is Necessary. Use ½ ounce of Esterex to each gallon of bottling syrup. In Root Beer and Cream no acid is needed to stop ropiness if Esterex is used," and (portion), the trade-mark "Esterex" and the label statement "Contains Water and (Salts and Esters of Monochloracetic Acid)," were misleading since they created the impression that the article was wholesome and suitable for use as a component of food for man, whereas it contained monochloracetic acid, a poisonous and deleterious substance; and the labeling failed to reveal the material fact that the product contained a poisonous and deleterious substance which rendered it unwholesome and unsuitable for use as a component of food.

DISPOSITION: Between June 6 and June 18, 1945, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

8802. Adulteration of root beer concentrate. U. S. v. 9 Cases and 9 Jugs of Root Beer Concentrate. Default decrees of condemnation and destruction. (F. D. C. Nos. 15737, 15738. Sample Nos. 11227–H, 11440–H.)

LIBELS FILED: March 22 and 23, 1945, District of New Hampshire and District of Massachusetts.

ALLEGED SHIPMENT: On or about January 9 and February 23, 1945, by the Citrus Products Co., from Chicago, Ill.

PRODUCT: 9 cases, each containing 4 1-gallon jugs, and 9 1-gallon jugs of root beer concentrate at Manchester, N. H., and Fall River, Mass., respectively.

LABEL, IN PART: "Kist Beverages Root Beer Creamy Top Beverage Concentrate."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the product contained an added poisonous and deleterious substance, boric acid, which was unsafe within the meaning of the law since it was a substance not required in the production of the food, and it could have been avoided by good manufacturing practice.

DISPOSITION: May 7 and 9, 1945. No claimants having appeared, judgments of condemnation were entered and the product was ordered destroyed.

8803. Adulteration and misbranding of beverage bases. U. S. v. 27 Cases of Beverage Bases (fruit flavored sirups). Default decree of condemnation. Products ordered distributed to charitable institutions. (F. D. C. No. 15740. Sample Nos. 6610–H to 6615–H, incl.)

LIBEL FILED: On or about March 27, 1945, District of Connecticut.

ALLEGED SHIPMENT: On or about July 11, 1944, by the Ol' South Extract Co., from Rochester, N. Y.

PRODUCT: 27 cases, each containing 24 1-pint bottles, of beverage bases at Ansonia, Conn.

LABEL, IN PART: "Ol' South Strawberry [or other flavors]."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), artificially flavored and artificially colored acidulated beverage sirups had been substituted in whole or in part for fruit-flavored sirups.

Misbranding, Section 403 (a), the statements on the labels of the products, "Strawberry [or "Raspberry," "Grape," "Cherry," or "Loganberry"] A Fruit Flavored Syrup * * * Contains: Strawberry [or other flavors] Citric Acid, Cane Syrup, Water," and "Punch A Pure, Fruit Flavored Syrup * * * Contains: Grape, Cherry, Raspberry, Strawberry, Citric Acid, Cane Syrup, Water," were misleading as applied to artificially flavored and artificially colored acidulated beverage sirups; and, Section 403 (k), the products contained artificial flavor and artificial color and failed to bear labeling stating that fact.

DISPOSITION: June 6, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to charitable institutions.

8804. Adulteration and misbranding of beverage bases. U. S. v. 2,342 Cases of Beverage Bases (and 1 other seizure action against beverage bases). Consent decrees of condemnation. Products ordered released under bond. (F. D. C. Nos. 15748, 15749. Sample Nos. 30918–H to 30929–H, incl.)

LIBELS FILED: March 28, 1945, Southern District of California.

ALLEGED SHIPMENT: On or about November 5 and 22, 1944, by Holler's Concentrated Beverages, from Miami, Fla.