

On December 11, 1944, the matter came on for trial before a jury, and on December 14, 1944, the jury returned a verdict in favor of the Government. On February 19, 1945, judgment of condemnation was entered, and on May 8, 1946, the product was ordered delivered to public institutions.

### MISCELLANEOUS FOODS

**10341. Adulteration and misbranding of food colors. U. S. v. Alpha Aromatic Laboratories, a partnership, and Milton Ainbinder and Joseph Sirowitz. Pleas of guilty. Partnership fined \$170; individual defendants each fined \$850. (F. D. C. No. 17784. Sample Nos. 78372-F, 83152-F to 83154-F, incl., 88701-F, 93903-F.)**

**INFORMATION FILED:** February 27, 1946, Eastern District of New York, against the Alpha Aromatic Laboratories, a partnership, Brooklyn, N. Y., and Milton Ainbinder and Joseph Sirowitz, partners.

**ALLEGED VIOLATIONS:** The defendants falsely represented and without proper authority used on the labels of products designated as "Bright Yellow Shade," "Raspberry Red Shade," "Brilliant Green Shade," "Yolk Yellow Shade," and "Brilliant Rose Shade," respectively, marks and identification devices authorized and required by the regulations. The said colors bore the marks and identification devices, "Lot A6567," "Lot B1624," "Lot B1764," and "Lot A8428," which had been assigned to persons other than the defendants for use on certain batches of certified coal-tar colors. The colors so labeled by the defendants were not from batches to which the identification devices had been assigned, but were uncertified coal-tar colors of different compositions. The colors so marked and a lot of "Royal Blue Shade" were shipped by the defendants between the approximate dates of March 3, 1944, and October 26, 1944, from the State of New York into the States of New Jersey, Pennsylvania, Massachusetts, and Connecticut.

**NATURE OF CHARGE:** Adulteration, Section 402 (c), the products, with the exception of the royal blue shade, contained coal-tar colors which were others than ones from batches that had been certified in accordance with the regulations; and, Section 402 (b) (4), (royal blue only) water had been added to the product so as to reduce its quality.

Misbranding, Section 403 (a), the statements, (bright yellow) "Contains 51% Color \* \* \* Lot A6567," (raspberry red) "Contains 4.3% Color Lot B1624," (brilliant green) "Contains 3.5% Color Lot B1764," (yolk yellow) "Contains 51% Color Lot A6567," (brilliant rose) "Contains 4.2% Color Lot A8428," and (royal blue) "Contains 6.6% Color," borne on the respective labels, were false and misleading since the articles contained less than the labeled percentage of color; and those colors identified by the various lot numbers did not consist of coal-tar colors from batches than had been certified pursuant to the regulations and that had been assigned the various lot numbers as implied in the statements.

Further misbranding, Section 403 (i) (2), (all colors) they were fabricated from 2 or more ingredients, and their labels failed to bear the common or usual name of each ingredient; and, Section 403 (k), (raspberry red, brilliant green, brilliant rose, and royal blue shades) the products contained a chemical preservative, salts of benzoic acid, and failed to bear labeling stating that fact.

**DISPOSITION:** March 26, 1946. Pleas of guilty having been entered, the partnership was fined \$170, and each of the individual partners was fined \$850.

**10342. Adulteration and misbranding of food colors. U. S. v. Fred C. Mattia (Premier Color Works). Plea of guilty. Fine, \$400. Defendant placed on 2 years' probation. (F. D. C. No. 16540. Sample Nos. 75951-F, 79100-F, 82764-F, 88279-F.)**

**INFORMATION FILED:** March 8, 1946, Southern District of New York, against Fred C. Mattia, trading as the Premier Color Works, New York, N. Y.

**ALLEGED SHIPMENT:** Between the approximate dates of June 1 and July 17, 1944, from the State of New York into the States of Pennsylvania, Michigan, New Jersey, and Massachusetts.

**LABEL, IN PART:** "Verd-Oro A \* \* \* For Technical Use," "Green Color DS \* \* \* For Technical Use," "Special Olive Oil Preparation," or "Grassolio Special."