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]

10501–10700

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.

MAURICE COLLINS, *Acting Administrator, Federal Security Agency.*

WASHINGTON, D. C., *August 12, 1947.*

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BEVERAGES AND BEVERAGE MATERIALS*

10501. Adulteration and misbranding of Holler's loganberry-, raspberry-, grape-, strawberry-, and cherry-flavored concentrates (beverage bases). U. S. v. Holler's Concentrated Beverages and J. Carter Hollis and Abraham N. Lerner. Pleas of nolo contendere. Firm fined $400; individual defendants fined $500 each and sentenced to 3 months in jail. Fines of individuals remitted and jail sentences suspended. (F. D. C. No. 17839. Sample Nos. 30920–H to 30923–H, incl., 30928–H.)

INFORMATION FILED: July 1, 1946, Southern District of Florida, against Holler's Concentrated Beverages, a partnership, Miami, Fla., and J. Carter Hollis and Abraham N. Lerner, partners.

ALLEGED SHIPMENT: Between the approximate dates of November 5 and November 22, 1944, from the State of Florida into the State of California.

PRODUCT: The products were artificially flavored and artificially colored solutions of water and acid, or acids.

LABEL, IN PART: (Bottles) "Holler's Loganberry [or "Raspberry," "Grape," "Strawberry," or "Cherry"] Flavored Concentrate * * * Holler's Flavors Make Delicious Jellies, Jams." A number of booklets entitled "Holler's all purpose Concentrate Recipes" accompanied the products.

*See also Nos. 10654–10657, 10682.

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NATURE OF CHARGE: Adulteration, Section 402 (b) (4), artificial flavoring and artificial coloring had been added to the products and mixed and packed with them so as to make them appear to be concentrates containing substantial proportions of loganberry, raspberry, grape, strawberry, and cherry juices, which concentrates are better and of greater value than were the products.

Misbranding, Section 403 (a), the designs of fruits on the cases and in the recipe booklets, and the statements on the bottle labels, "Loganberry [or "Raspberry," "Grape," "Strawberry," or "Cherry"] Flavored Concentrate," were misleading since they represented and suggested and created in the mind of the reader the impression that the products consisted of concentrates containing a substantial amount of loganberry, raspberry, grape, strawberry, or cherry juice. Further misbranding, Section 403 (a), the statements and design in the labeling, (bottle) "Holler's flavors make delicious Jellies, Jams," (booklets) "Recipe for Making * * * This recipe makes one quart of delicious Jelly," and a design of fruits, were misleading. The statements and design in the labeling created in the mind of the reader the impression that the products would make fruit jellies and jams, whereas they would not make fruit jellies and jams.

DISPOSITION: July 26, 1946. A plea of nolo contendere having been entered, the partnership defendant was fined $400. The individual defendants were each fined $500 and sentenced to 3 months in jail. The fines were remitted, the jail sentences were suspended, and the defendants were placed on probation for a period of 1 year.

10502. Adulteration of orange beverage bases. U. S. v. Harrison's Orange Corporation. Plea of guilty. Fine, $5,000. (F. D. C. No. 17863. Sample Nos. 690–H, 691–H, 695–H, 856–H, 13695–H, 18416–H, 22786–H, 24663–H, 35114–H, 36926–H.)

INFORMATION FILED: August 1, 1946, Northern District of Illinois, against Harrison's Orange Corporation, Chicago, Ill.

ALLEGED SHIPMENT: Between the approximate dates of July 9 and September 13, 1945, from the State of Illinois into the States of Georgia, Ohio, Iowa, Missouri, Alabama, and Washington.

LABEL, IN PART: "Orange Hut Orange," or "Harrison's Day-Ray Orange Flavor Syrup."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the articles contained an added deleterious substance, monochloracetic acid, which is unsafe within the meaning of the law since it is a substance not required in the production of the articles, and it could have been avoided by good manufacturing practice; and, Section 402 (b) (4), saccharin, a nonnutritive substance, had been added to the article and mixed and packed with it so as to make it appear to be a sugar-sweetened beverage base, which is better and of greater value than the article.

DISPOSITION: August 16, 1946. A plea of guilty having been entered on behalf of the corporation, the court imposed a fine of $500 on each of 10 counts, a total fine of $5,000.

10503. Adulteration of orange concentrate and orange flavoring sirup. U. S. v. 1 Barrel of Orange Concentrate and 2 Barrels of Orange Flavoring Syrup. (F. D. C. Nos. 17903, 17927. Sample Nos. 34381–H, 34385–H.)

LIBELS FILED: October 15, 1945, Southern District of West Virginia.

ALLEGED SHIPMENT: On or about September 4 and 12, 1945, by Harrison's Orange Corporation, from Chicago, Ill.

PRODUCT: 1 50-gallon barrel of orange concentrate at Point Pleasant, W. Va., and 2 50-gallon barrels of orange flavoring sirup at Charleston, W. Va.

LABEL, IN PART: (One product) "Harrison's Day-Ray Orange Flavoring Syrup."

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

DISPOSITION: October 30 and November 20, 1945. No claimant having appeared for either product, judgments of condemnation were entered and the products were ordered destroyed.