10504. Adulteration of Harrison's beverage base and Harrison's beverages. U. S. v. 200 Cases of Harrison's Beverage Base and 94 Cases of Harrison's Beverages. (F. D. C. No. 18065. Sample Nos. 33106–H to 33109–H, incl.)

LIBEL FILED: October 30, 1945, Western District of Kentucky.

ALLEGED SHIPMENT: On or about May 15 and August 20 and 29, 1945, by G and G Distributors, from Salem, Ill.

PRODUCT: 200 cases, each containing 12 quart bottles, of beverage base and 94 cases, containing half-gallon jars, of beverages at Louisville, Ky.

LABEL, IN PART: (Beverage base) "Harrison's Enriched Orange Syrup"; (beverages) "Harrison's Orange Hut Concord Grape Drink Imitation [or "Orange Drink," or "Pineapple Orange Drink"]."

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 article.

DISPOSITION: November 29, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10505. Misbranding of beverage bases. U. S. v. 143 Cartons * * *. (F. D. C. No. 18276. Sample No. 21119–H.)

LIBEL FILED: November 6, 1945, Eastern District of Oklahoma.

ALLEGED SHIPMENT: On or about June 27, 1945, by Sunway Fruit Products, from Chicago, Ill.

PRODUCT: 143 cartons, each containing 40 envelopes, of beverage bases at Muskogee, Okla.

LABEL, IN PART: (Envelope) "Freshie * * * Contents Equivalent of 60% Natural Tree-Ripened Fruit Juice * * * Makes 10 True Fruit Flavored Drinks * * * A True Fruit-Flavored Drink * * * Orange [or "Lemon" or "Lime"] Beverage Base"; (carton) "Freshie Beverage Base [Design of a glass surrounded by an orange, a lemon, and a lime]."

NATURE OF CHARGE: Misbranding, Section 403 (a), the statements and designs appearing in the labeling were misleading since they represented and suggested that the articles when used as directed would make beverages containing significant amounts of fruit juices which would derive their characteristic flavor from fruit juices. The articles when used as directed would make beverages containing insignificant amounts of fruit juices, and they would provide no significant flavors or characteristics of fresh fruit juices.

DISPOSITION: January 8, 1946. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

10506. Adulteration of beverages. U. S. v. 378 Cases of Root Beer, 52 Cases of Orange Punch Soda, and 52 Cases of Fruit Punch. (F. D. C. No. 18066. Sample Nos. 19289–H to 19292–H, incl.)

LIBEL FILED: November 1, 1945, Southern District of Iowa.

ALLEGED SHIPMENT: On or about September 13 and 24, 1945, by the Silver Cup Beverage Co., from Chicago, Ill.

PRODUCT: 378 cases, 52 cases, and 52 cases, each containing 6 ½-gallon jugs of root beer, orange punch soda, and fruit punch, respectively, at Davenport, Iowa.

LABEL, IN PART: "Silver Cup Old Style Picnic * * * Root Beer," or "Silver Cup * * * Orange Punch Soda [or "Fruit Punch"] Made with Cane Sugar, Citric Acid."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, sugar, had been in part omitted from the articles; and, Section 402 (b) (4), saccharin had been mixed and packed with the articles so as to reduce their quality or strength and make them appear better or of greater value than they were.

DISPOSITION: January 8, 1946. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.