

10507. Adulteration of canned orange juice. U. S. v. 1,992 Cases * * * * (F. D. C. No. 18227. Sample No. 21918-H.)

LABEL FILED: October 29, 1945, Northern District of Georgia.

ALLEGED SHIPMENT: On or about September 13, 1945, by the H. M. Canning Co., from Dyer, Calif.

PRODUCT: 1,992 cases, each containing 24 1-pint, 2-fluid-ounce cans, of orange juice at Atlanta, Ga. Examination showed that the product was undergoing active fermentation.

LABEL, IN PART: "Sunfilled Brand California Orange Juice * * * Distributed by Citrus Concentrates, Inc., Dunedin, Fla."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: November 1, 1945. Citrus Concentrates, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for separation of the fit portion from the unfit, under the supervision of the Food and Drug Administration.

10508. Adulteration and misbranding of grape juice punch. U. S. v. D. A. Perkins, Inc., and Raymond Wanzer. Pleas of guilty. Fines of \$100 against the corporate defendant and \$400 against the individual defendant. (F. D. C. No. 17813. Sample Nos. 11007-H, 11231-H, 11232-H, 11237-H, 11422-H, 11449-H.)

INFORMATION FILED: March 25, 1946, District of Massachusetts, against D. A. Perkins, Inc., a corporation, Cambridge, Mass., and Raymond Wanzer.

ALLEGED SHIPMENT: Between the approximate dates of January 26 and March 12, 1945, from the State of Massachusetts into the States of New Hampshire and Rhode Island.

LABEL, IN PART: "Concord Grape Juice Punch."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents, grape juice, grape juice concentrate, orange, and raspberry, had been in whole or in part omitted from the article; and, Section 402 (b) (4), artificial flavoring and coloring had been added to the article and mixed and packed with it so as to make it appear to be grape juice, which is better and of greater value than the article.

Misbranding, Section 403 (a), the label statements, "Grape Juice Punch * * * Grape Juice Concentrate, Orange, Raspberry * * * use to make * * * jellies," were false and misleading since they represented and suggested that the article contained grape juice, grape juice concentrate, orange, and raspberry, and that fruit jellies could be made by use of it. The article contained no grape juice, grape juice concentrate, orange, and raspberry, and fruit jellies could not be made by use of it; and, Section 403 (k), the article contained artificial flavoring, and it failed to bear labeling stating that fact.

DISPOSITION: December 10, 1946. Pleas of guilty having been entered on behalf of both defendants, the court imposed fines of \$100 against the corporate defendant and \$400 against the individual defendant.

10509. Adulteration and misbranding of grape juice punch. U. S. v. 384 Cases * * * (F. D. C. No. 14851. Sample No. 84516-F.)

LABEL FILED: December 28, 1944, Territory of Hawaii.

ALLEGED SHIPMENT: On or about November 24, 1944, by Kockos Brothers, Ltd., from San Francisco, Calif.

PRODUCT: 384 cases, each containing 24 pint bottles, of grape juice punch at Hilo, Territory of Hawaii.

LABEL, IN PART: "Original Monterey Brand * * * Concord Grape Juice Punch * * * California Associated Products Co. Los Angeles, California."

NATURE OF CHARGE: Adulteration, Section 402 (b) (4), artificial flavor and color and acids had been added to the article and mixed and packed with it so as to make it appear better and of greater value than it was.

Misbranding, Section 403 (a), the label statement "Concord Grape Juice Punch" was false and misleading as applied to the article, which was an artificially flavored and colored solution of water, sugar, and acid, containing an insignificant amount of fruit juice or juices; Section 403 (i) (2), the article was fabricated from 2 or more ingredients, and its label failed to bear the common or usual name of each ingredient; and, Section 403 (k), it contained artificial flavoring and failed to bear labeling stating that fact.

DISPOSITION: November 26, 1946. The California Associated Products Co., claimant, having admitted the misbranding allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be relabeled in compliance with the law, under the supervision of the Food and Drug Administration.

10510. Adulteration and misbranding of grape beverage. U. S. v. 95 Cases
* * *. (F. D. C. No. 18261. Sample No. 491-H.)

LIBEL FILED: November 21, 1945, Eastern District of North Carolina.

ALLEGED SHIPMENT: On or about October 5, 1945, by the Blenheim Bottling Works, from Blenheim, S. C.

PRODUCT: 95 cases, each containing 24 12-ounce bottles, of grape beverage at Lumberton, N. C.

LABEL, IN PART: "Blenheim Special * * * A Blenheim Product."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, sugar, had been in whole or in part omitted from the article; Section 402 (b) (2), a beverage containing saccharin had been substituted for a beverage sweetened with sugar; and, Section 402 (b) (4), saccharin had been mixed with the product so as to make it appear to be a beverage sweetened with sugar, which is better and of greater value than the article.

Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents; and, Section 403 (i) (1), the label failed to bear the common or usual name of the product.

DISPOSITION: January 12, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10511. Adulteration of beer. U. S. v. 1,690 Cases and 1 Carload * * * (and 2 other seizure actions). (F. D. C. Nos. 18210, 18214, 18223. Sample Nos. 700-H, 1047-H, 1602-H, 1603-H.)

LIBELS FILED: October 25 and 26 and November 2, 1945, Middle and Eastern Districts of North Carolina and Northern District of Georgia.

ALLEGED SHIPMENT: September 12, 20, and 25, 1945, by the Pilsner Brewing Co., Inc., from New York, N. Y.

PRODUCT: Beer. 1,690 cases and 1 carload, in 12-ounce and 1-quart bottles, at Durham, N. C.; 600 cases, each containing 24 12-ounce bottles, at Wilson, N. C.; and 272 cases, each containing 24 12-ounce bottles, at Atlanta, Ga.

LABEL, IN PART: "Koenigs Special New York's Premium Beer," or "Lion New York's Famous Pilsener Beer."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of (portions) a filthy substance by reason of the presence of insect parts and dirt and (remainder) maggots and dirt. The carload and 600-case lots were adulterated further in that they consisted in whole or in part of a decomposed substance by reason of the presence of mold.

DISPOSITION: October 29 and November 7, 1945, and January 7, 1946. The Pilsner Brewing Co., Inc., New York, N. Y., and the American Distributing Co., Atlanta, Ga., claimants, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond, conditioned that the beer be destroyed and the containers salvaged under the supervision of the Federal Security Agency.

10512. Adulteration of beer. U. S. v. 1,700 Cases and 840 Cases * * *
(F. D. C. Nos. 18212, 18257. Sample Nos. 1416-H, 1601-H.)

LIBELS FILED: October 30 and November 2, 1945, Eastern and Middle Districts of North Carolina.