

15650. Misbranding of Fruitonya. U. S. v. 144 Bottles, etc. (F. D. C. No. 24730. Sample No. 2032-K.)

LIBEL FILED: April 15, 1948, District of Columbia; amended October 12, 1948.

ALLEGED SHIPMENT: By the Miracle Food Co., from Philadelphia, Pa.

PRODUCT: 144 1-quart bottles of Fruitonya at Washington, D. C.

LABEL, IN PART: "Fruitonya * * * Contains invert sugar, True fruit extracts, Reinforced with Natural flavors & fruit acids."

NATURE OF CHARGE: Misbranding, Section 403 (a), the name "Fruitonya" and the reference in the labeling to "Fruit Syrup" were misleading since the article contained no significant amounts of fruit juice or fruit sirup; and, Section 403 (i) (2), the article was fabricated from two or more ingredients, and its label failed to bear the common or usual names of citric acid and tartaric acid, which were ingredients of the article.

The article, together with certain other products, was alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 2913.

DISPOSITION: On February 24, 1949, the Miracle Food Co., claimant, filed a request for answers to certain interrogatories. The interrogatories were answered, and on November 17, 1949, the claimant having consented to the entry of a decree and the court having found that the product was misbranded as alleged in the libel (except that no finding was made with respect to the allegation that the name "Fruitonya" was misleading), judgment of condemnation was entered and the product was ordered destroyed.

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PRODUCTS

	N. J. No.		N. J. No.
Apricots, canned	15632	Cottage cheese, creamed	15622
Bakery products	15604-15606	Cream, canned	15623
Blackberry jelly	15637	Dairy products	¹ 15616-15623
Brazil nuts	15642	Dates	15634
Broccoli, frozen	15639	Fats. <i>See</i> Oils and fats.	
Butter	15616-15618, 15622	Fish and shellfish	15624-15631
Candy	15601, 15602	Flour	15609-15614
Cashew nuts	15643	Fruitonya	15650
Cereals and cereal products	15604-15615	Fruits and vegetables	15632-15641
Cheese	¹ 15619-15622	fruit, canned	15632, 15633
Colby	15621	dried	15634, 15635
cottage, creamed	15622	fresh	15636
Chocolate sirup	15602	jelly and preserves	15637, 15638
Clams, canned	15629	vegetables	15639-15641
Colby cheese	15621	Grape jelly	15637
Cones, ice cream	15604-15606	Haddock fillets, frozen	15624
Corn, canned	15640, 15641	Ice cream cones	15604-15606
meal	15607-15609	Jelly, blackberry, grape, and raspberry	15637

¹ (15619) Prosecution contested.