

BEVERAGES AND BEVERAGE MATERIALS

15951. Adulteration and misbranding of Vita Orange. U. S. v. 21 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 28288, 28321. Sample Nos. 63019-K, 63083-K.)

LIBELS FILED: November 14 and 25, 1949, District of Maine.

ALLEGED SHIPMENT: On or about October 7 and November 4, 1949, by the California Fruit Juice Co., from Waltham, Mass.

PRODUCT: 85 cases, each containing 6 ½-gallon jugs, of Vita Orange at Wells and Waterville, Maine. Examination showed that the product was a mixture of orange juice, orange oil, water, acid, sugar, and artificial color.

LABEL, IN PART: (Jug) "Vita Orange with Vitamins added."

NATURE OF CHARGE: Adulteration, Section 402 (b) (4), artificial color had been added to the article and mixed and packed with it so as to make it appear to have more orange juice than it actually contained, and thus to be better or of greater value than it was.

Misbranding, Section 403 (a), the name "Vita Orange" on the bottle label and certain statements in an accompanying circular entitled "The Good Morning to Health" were false and misleading since they represented and suggested that the article was nutritionally better than orange juice; that it was a better source of vitamins than orange juice; that it would be effective to promote health and healthy bones, teeth, and gums; and that it would be effective in the treatment of colds and in the prevention of infections. The article was not nutritionally better than orange juice; it was not a better source of vitamins than orange juice; and it would not be effective for the purposes represented.

The article 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. 3033.

DISPOSITION: January 30, 1950. Default decrees of condemnation and destruction.

15952. Adulteration of tomato juice and tomato catsup. U. S. v. Vincennes Packing Corp. Plea of guilty. Fine, \$1,000. (F. D. C. No. 27528. Sample Nos. 20156-K, 20449-K, 21824-K, 25581-K, 46113-K, 53149-K.)

INFORMATION FILED: On or about January 18, 1950, Southern District of Indiana, against the Vincennes Packing Corp., Vincennes, Ind.

ALLEGED SHIPMENT: Between the approximate dates of October 2, 1948, and January 26, 1949, from the State of Indiana into the States of Missouri, Iowa, and Texas.

LABEL, IN PART: "Good Things To Eat Brand Tomato Juice Distributed by Fred Wolferman, Inc. Kansas City, Mo.," "Lee Tomato Juice Distributors The H. D. Lee Company, Inc. Kansas City, Mo.," "Clover Farm Tomato Catsup * * * Clover Farm Stores Corporation Distributors Cleveland, Ohio," "Vincennes Class A Brand * * * Tomato Juice Packed by Vincennes Packing Corporation," or "White Swan Tomato Juice * * * Distributed by Waples-Platter Company General Offices Fort Worth, Texas."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in part of decomposed substances by reason of the presence of decomposed tomato material.

DISPOSITION: March 31, 1950. A plea of guilty having been entered, the court fined the corporation \$1,000.