

BEVERAGE AND BEVERAGE MATERIAL

18651. Adulteration and misbranding of Fresh-A orange drink. U. S. v. 294 Cases * * *. (F. D. C. No. 28729. Sample No. 63392-K.)

LIBEL FILED: February 17, 1950, District of Maine.

ALLEGED SHIPMENT: On or about January 9, 1950, by Lincoln Foods, Inc., from Lawrence, Mass.

PRODUCT: 294 cases, each containing 6 jugs, of Fresh-A orange drink at Waterville, Maine. Examination showed that the product was diluted orange juice containing not more than 50 percent of orange juice and about $\frac{1}{3}$ of the vitamin C present in orange juice.

LABEL, IN PART: (Jug) "Fresh-A Orange A Vitamin Drink * * * Fresh-A Juice Co. * * * Lawrence, Mass."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a substance consisting of water, citric acid, orange pulp, orange oil, and sugar had been substituted for orange juice, which the article purported and was represented to be; and, Section 402 (b) (4), water had been added to the article and mixed and packed with it so as to increase its bulk or weight and reduce its quality and strength.

Misbranding, Section 403 (a), the design of a cut orange and the statements on the bottle label "Fresh-A Orange A Vitamin Drink * * * Fresh-A Juice Co. * * * To the natural strength orange juice there has been added concentrated juice containing oils and minerals of tree ripened California oranges, water, pure cane sugar, citric acid, Vitamin C" were false and misleading. The design and the statements represented and suggested that the article was a superior type of orange juice providing, in addition to the natural nutritive value of orange juice, vitamin C and the nutritive value of concentrated orange juice. The article contained not more than 50 percent of orange juice and less vitamin C than orange juice.

Further misbranding, Section 403 (a), certain statements in accompanying circulars entitled "For Year Round Health," which were shipped with the article, were false and misleading. The statements represented and suggested that the article was superior to orange juice in nutritive value; that it was effective in building strong, healthy bodies, teeth, and gums, and in building up resistance to colds and other respiratory infections; and that it was effective in maintaining the normal bowel activity in adults and children. The article was not superior to orange juice in nutritive value, but was inferior, and it was not effective for the purposes stated and implied.

DISPOSITION: March 1, 1950. The Fresh-A Juice Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling, under the supervision of the Federal Security Agency.

18652. Adulteration of coffee concentrate. U. S. v. 250 Cases * * *. (F. D. C. No. 32859. Sample No. 36060-L.)

LIBEL FILED: March 10, 1952, Southern District of Ohio.

ALLEGED SHIPMENT: On or about November 30, 1951, from Dubuque, Iowa.

PRODUCT: 250 cases, each containing 24 6-ounce bottles, of coffee concentrate at Hamilton, Ohio. Examination showed that the product was undergoing progressive decomposition.