

LIBELED: 1-2-58, N. Dist. N.Y.; 1-9-58, W. Dist. N.Y. and W. Dist. Pa.; and 1-23-58, E. Dist. Mo.

CHARGE: 402(a) (3)—contained insects, insect parts, fly eggs, and rodent hairs when shipped; and 402(a) (4)—the glace cherries, and the cherries at Albany, N.Y., had been prepared under insanitary conditions.

DISPOSITION: On 3-18-58, the libel actions in the N. Dist. N.Y., W. Dist. N.Y., and E. Dist. Mo., were ordered removed and consolidated with the action in the W. Dist. Pa. On 5-21-58, the Ohio Fruit Products, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the cherries were ordered released under bond for segregation of the unfit portions. Thereafter, 25 gals. of maraschino cherries, 189 lbs. of glace cherries, and 4½ gals. of cocktail cherries were segregated as unfit and destroyed.

MISCELLANEOUS FRUIT PRODUCTS

24984. Canned lemon juice, canned grape juice, and canned orange juice. (F.D.C. No. 40470. S. Nos. 32-905 M, 57-904/5 M, 78-414/5 M.)

INFORMATION FILED: 1-15-58, W. Dist. Mo., against Research Laboratories, Inc., d/b/a Dubl-Rich Products Co., St. Joseph, Mo., Darwin F. Aldrich, production manager, and W. C. Pollard, sales manager.

SHIPPED: On 1-9-57 and 5-13-57, from Missouri to Colorado, Florida, and Kansas.

LABEL IN PART: (Btl.) "dubl-rich brand processed California lemon juice 12 fluid ounces made from the juice of sun ripened California lemons . . . high in Vitamin C!" or "dubl-rich brand sweetened concord grape juice one gallon dubl-rich brand is a sweetened grape juice made from the juice of pure sunripened Concord Grapes. For a delicious Grape Drink, Use One Part dubl-rich Brand Grape Juice to Five Parts Water. No Sugar Necessary" or "dubl-rich brand California orange juice (sweetened) dubl-rich brand is a sweetened orange juice concentrate made from the juice of pure sun ripened California Oranges. For a Delicious Orange Drink, Use One Part dubl-rich Brand Orange Juice To Five Parts Water. No Sugar Necessary."

RESULTS OF INVESTIGATION: Analysis showed that the "lemon juice" consisted of a mixture of citric acid, artificial color, and from 5 to 10 percent lemon juice, and contained little or no vitamin C; that the "grape juice" consisted of a mixture of citric acid, artificial color, artificial flavor, and 2 percent grapejuice; and, that the "orange juice" consisted of a mixture of citric acid, artificial color, artificial flavor, and 25 percent orange juice.

CHARGE: Lemon juice. 402(b) (1)—when shipped, valuable constituents of the article, namely, lemon juice and vitamin C, had been in part omitted; and 402(b) (2)—a substance consisting of a mixture of citric acid, artificial color, and 5 to 10 percent lemon juice had been substituted for lemon juice.

Grapejuice. 402(b) (1)—when shipped, a valuable constituent of the article, namely, grapejuice, had been in part omitted; and 402(b) (2)—a substance consisting of a mixture of citric acid, artificial flavor, artificial color, and 2 percent grapejuice had been substituted for grapejuice.

Orange juice. 402(b) (1)—when shipped, a valuable constituent of the article, namely, orange juice, had been in part omitted; and 402(b) (2)—a

substance consisting of a mixture of citric acid, artificial color, artificial flavor, and 25 percent orange juice had been substituted for orange juice.

PLEA: Guilty.

DISPOSITION: 9-5-58. Defendants jointly fined \$400, plus costs.

VEGETABLES*

24985. Dried pinto beans, dried red beans, and dried peas. (F.D.C. No. 40591. S. Nos. 57-640/42 M.)

QUANTITY: 104 100-lb. bags of dried pinto beans, 65 100-lb. bags of small dried red beans, and 408 100-lb. bags of dried peas, at Seffner, Fla., in possession of Northwestern Canning & Packing Co.

SHIPPED: Between 3-18-57 and 3-19-57, from North Kansas City, Mo., and Spokane, Wash.

LIBELED: 8-26-57, S. Dist. Fla.

CHARGE: 402(a)(3)—contained insects; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 11-19-57. Consent—claimed by Northwestern Canning & Packing Co. The beans were washed. The filth- and insect-contaminated beans were removed and destroyed, and the good beans were canned and marketed.

TOMATO PRODUCTS

24986. Tomato juice. (F.D.C. No. 41494. S. No. 35-548 P.)

QUANTITY: 21 cases, 6 6-lb. 9-oz. cans each, at Philadelphia, Pa.

SHIPPED: 10-25-57, from Cedarville, N.J., by Central Canning Co.

LABEL IN PART: (Can) "Juice McCandless Jersey Tomato."

LIBELED: 4-9-58, E. Dist. Pa.

CHARGE: 402(a)(3)—contained fly eggs, maggots, and decomposed tomato material when shipped.

DISPOSITION: 5-13-58. Default—destruction.

24987. Canned tomato sauce. (F.D.C. No. 41544. S. No. 35-445 P.)

QUANTITY: 44 cases, 72 8-oz. unlabeled cans each, at Philadelphia, Pa.

SHIPPED: During 1956 or 1957, from Swedesboro, N.J., by California Packing Corp.

LABEL IN PART: (Case) "Tins Sundry Dented Tomato Sauce."

RESULTS OF INVESTIGATION: Examination showed that the article was undergoing chemical decomposition.

LIBELED: 5-5-58, E. Dist. Pa.

CHARGE: 402(a)(3)—contained a decomposed substance while held for sale; and 403(e) the article, when shipped, failed to bear a label containing (1) the name and place of business of the manufacturer, packer, or distributor, and (2) an accurate statement of the quantity of contents.

DISPOSITION: 6-4-58. Default—destruction.

*See also Nos. 24967, 24990.