

## TEA

**1902. Misbranding of tea. U. S. v. 168 Packages of Tea. Consent decree of condemnation. Product released under bond for relabeling. (F. D. C. No. 3827. Sample No. 50075-E.)**

This product occupied on an average about 60 percent of the capacity of the carton in which it was packed.

On February 15, 1941, the United States attorney for the District of Columbia filed a libel against 168 packages of tea at Washington, D. C., alleging that the article was being offered for sale in the District of Columbia by the John H. Wilkins Co., Washington, D. C.; and charging that it was misbranded. It was labeled in part: (Cartons) "3 Ounces \* \* \* Swanee Tea Orange Pekoe and Pekoe Imported."

The article was alleged to be misbranded in that its container was so made, formed, or filled as to be misleading.

On April 17, 1941, the John H. Wilkins Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be repackaged under the supervision of the Food and Drug Administration.

## FRUIT AND VEGETABLE JUICES

**1903. Adulteration of canned grapefruit juice. U. S. v. 64 Cases of Canned Grapefruit Juice. Default decree of condemnation and destruction. (F. D. C. No. 4592. Sample Nos. 56526-E, 56527-E.)**

On May 3, 1941, the United States attorney for the Southern District of New York filed a libel against 64 cases, each containing 24 No. 2 cans, of grapefruit juice at New York, N. Y., alleging that the article had been shipped on or about February 7 and 20, 1941, by Olmito Packing Co. from Brownsville, Tex.; and charging that it was adulterated in that it had been prepared under insanitary conditions. The article was labeled in part: "Dellford Brand \* \* \* Grapefruit Juice."

On May 21, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1904. Misbranding of grapefruit juice. U. S. v. 94 Cases of Grapefruit Juice. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 3516. Sample No. 4353-E.)**

The label of this product bore false and misleading representations regarding its efficacy in the conditions indicated below.

On or about December 27, 1940, the United States attorney for the Northern District of Illinois filed a libel against 94 cases of grapefruit juice at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 4, 1940, by Tolson Davies Co. from Brownsville, Tex.; and charging that it was misbranded. The article was labeled in part: "Perk-Up \* \* \* Unsweetened Grapefruit Juice."

It was alleged to be misbranded in that the statements, "Recommended \* \* \* as a help in the prevention of colds and \* \* \* also helpful in keeping the system on the 'alkaline side,'" were false and misleading. It was also alleged to be misbranded under the provisions of the law applicable to drugs, reported in D. D. N. J. No. 383.

On February 3, 1941, the Tolson Davies Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be properly relabeled.

**1905. Misbranding of beverage base. U. S. v. 254 Cases of Beverage Base. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 3884. Sample No. 7618-E.)**

Analysis showed that this product contained an undeclared preservative, namely, sulfur dioxide.

On February 26, 1941, the United States attorney for the Southern District of California filed a libel against 254 cases, each containing 4 bottles, of beverage base at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about January 15, 1941, by Squirt Co. from Glendale, Ariz.; and charging that it was misbranded. It was labeled in part: (Bottles) "Net Contents 1 Gallon Bottlers Base for (grapefruit flavor) Squirt Contains no Preservative."

The article was alleged to be misbranded (1) in that the statement "Contains no Preservative" was false and misleading as applied to an article containing

a preservative; and (2) in that it contained a chemical preservative, but failed to bear labeling stating that fact.

On March 11, 1941, Edward W. Mehren and H. B. Bishop, trading as the Squirt Co., claimants, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

**1906. Misbranding of beet juice and carrot juice. U. S. v. 90 Cases of Queen of Sheba Brand Beet Juice and 2,800 Cases of Queen of Sheba Brand Carrot Juice. Decree of condemnation. Products ordered released under bond for relabeling. (F. D. C. No. 2495. Sample Nos. 8904-E to 8906-E, incl.)**

The labeling of these products bore false and misleading representations regarding their efficacy in the conditions indicated hereinafter and also bore claims containing misleading implications regarding their nutritive properties.

On August 6, 1940, the United States attorney for the District of Minnesota filed a libel against 90 cases of beet juice and 2,800 cases of carrot juice at Minneapolis, Minn., alleging that the articles had been shipped in interstate commerce in the period from on or about April 12 to on or about April 26, 1940, by the Lindsay-Nile Products, Inc., from Mission, Tex.; and charging that they were misbranded. The articles were labeled in part: "Queen of Sheba Brand Beet Juice [or "Carrot Juice" or "Carrot Juice Homogenized"] \* \* \* Write for free recipe booklet."

They were alleged to be misbranded in that the following statements appearing in a folder entitled "Healthful Hints for using 'Queen of Sheba' Brand Carrot, Beet and Grapefruit Juices," which folder was incorporated by reference in the labeling of the products by the statement "Write for free recipe booklet," and accompanied a portion of the articles were false and misleading, since they created the impression that the articles were efficacious for the purposes recommended; whereas they were not efficacious for such purposes: (Folder) "One can is the equivalent of 20 pounds of fresh carrots. \* \* \* Carrot juice should be used everywhere to bolster or fortify the regular diet. Hauser and Berg, in their 'Dictionary of Foods', say: 'Carrot Juice constitutes a powerful cleansing and acid-neutralizing food. Carrots contain an insulin-like ingredient and a hormone-like ferment called tokokinin. This is probably why diabetics digest the sugar in carrots more easily than any other kind of sugar'. \* \* \* It is very high in alkaline minerals. \* \* \* It \* \* \* can be consumed in quantities large enough for rapid body revitalization. \* \* \* It facilitates the digestion of certain important auxiliary foods. \* \* \* it has also been established through biochemical research that: The alkalis in carrots, particularly the calcium, are more easily appropriated than those in other vegetables.—Blatherwick and Long. \* \* \* Carrots possess certain antiseptic properties which tend to limit putrefactive changes within the body.—Metchnikoff, Kellogg, Berg and others. Carrots grown in goiter-free sections are rich in iodine.—Sherman. Carrots supply considerable mucin, a substance that serves as a salve and lubricant for the mucous membranes.—Hauser. \* \* \* Because of its unique process of extraction, 'Queen of Sheba' Brand Beet Juice comes to you 'extra-mineralized.' \* \* \* It is high in natural sugar content and a source of body energy. It is also a good source of iron and copperas. \* \* \* Beets Are High in Carbohydrates. A good part of which is in the form of a soluble sugar necessary for body energy. Blood Building. Participates in the manufacture of the red corpuscles of the blood stream. Rejuvenates Tired Muscles strengthens muscle walls of heart. Aids digestion of other foods. Has a definite cleansing action in the blood stream. [Testimonials] Ulcerated Stomach and Nervous indigestion: \* \* \* Health and Beauty \* \* \* Blood Purifier \* \* \* anemic condition. \* \* \* Beet Juice Builds Blood \* \* \* Good For Nerves."

On September 24, 1940, the Lindsay-Nile Products, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be properly relabeled.

**1907. Misbranding of pepper and tomato juice. U. S. v. 19 Cases of Pepper and Tomato Juice. Default decree of condemnation and destruction. (F. D. C. No. 3986. Sample No. 32962-E.)**

Examination showed that this product was short of the declared volume.

On or about March 17, 1941, the United States attorney for the District of Arizona filed a libel against 19 cases, each containing 47 cans, of pepper and tomato juice at Phoenix, Ariz., alleging that the article had been shipped on or