

the above-named products, the former at Baltimore, Md., and the latter at Harrisburg, Pa., alleging that the articles had been shipped in interstate commerce on or about September 5 and 16, 1942, by the Price Compound Co. from Minneapolis, Minn., and charging that they were misbranded. The products were contained in envelopes, 12 envelopes in each package. Each package also contained a booklet entitled "Mrs. Price's Complete directions for Canning Vegetables and Fruit, Pickling, etc."

The articles were alleged to be misbranded (1) in that certain statements in the labeling were misleading since when read in their entirety they represented and suggested and created in the mind of the reader the impression and belief that boric acid, which the labeling directed to be used in the canning of vegetables, fruits, and pickles, may be safely used, whereas such use would be potentially dangerous to the health of the consumer, and the labeling failed to reveal facts material with respect to the consequences which might result from the use of the article under the conditions of use prescribed in the labeling; (2) in that the statement "Heating has destroyed these germs in the contents of the can," appearing in the labeling was false and misleading since the instructions for canning throughout the labeling of the articles required no heating above the boiling point of water, and such heating is not sufficient to destroy all spoilage bacteria; (3) in that the statement, "In home canning only 212 degrees of heat can be produced," appearing in the labeling was false and misleading since pressure cookers are available to provide higher temperatures; (4) in that certain statements under the heading "A few facts about preservatives" in the labeling were misleading in that they failed to reveal the fact that statements therein accredited to Professor Long were made many years ago before knowledge of resistance to clostridium botulinus and the dangers from it in canning had been acquired; (5) in that the statements in the labeling, (Mrs. Price's Compound) "Notice to Purchasers. It is not claimed for this compound that it contains anything of food value, but it is an antiseptic preparation, and among its many uses may be employed to prevent canned fruits and vegetables from souring and spoiling. This package contains specially prepared and tested Sodium Chloride, Boric Acid," (Mrs. Price's Special Prepared Boric Acid) "Notice to Purchasers. It is not claimed that there is anything of food value in the contents of this package but it is an antiseptic preparation," were misleading since they failed to reveal the consequences which might result from the use of the articles under the conditions of use prescribed in the labeling, namely, that the processing recommended might fail to effect proper sterilization and thereby result in danger to health, and also that the amount of boric acid recommended to be added to various canned products was such as might render such products deleterious to health. The compound was alleged to be misbranded further in that the common or usual name of each ingredient of the article required by law to appear in the labeling was not placed prominently thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render them likely to be read by the ordinary individual under customary conditions of purchase and use, since the names of the ingredients of the article appeared in an inconspicuous position on the flap of the envelope.

The boric acid was also alleged to be misbranded under the provisions of the law applicable to drugs reported in notices of judgment on drugs and devices.

On October 26, 1942, and February 12, 1943, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

**4490. Adulteration and misbranding of fruit beverage bases. U. S. v. 199 Bottles of Sunshine Health Drinks. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 7944. Sample Nos. 94243-E to 94248-E, incl.)**

On July 25, 1942, the United States attorney for the Western District of Missouri filed a libel against 199 gallon-bottles of Sunshine Health Drinks at Jefferson City, Mo., alleging that the article had been shipped in interstate commerce on or about April 20 and May 6, 1942, by the Orange Products Corp. from Chicago, Ill.; and charging that it was adulterated and misbranded. The article was labeled in part: "Sunshine Health Drinks \* \* \* Pineapple Orange [or "Grape Juice," "Orange," "Pineapple," "Fruit Punch," or "Grapefruit"] Concentrate."

The pineapple orange, orange, and fruit punch flavors were alleged to be adulterated (1) in that inferiority had been concealed through the use of artificial color, added orange pulp, and phosphoric acid, and (2) in that artificial color

orange pulp, and phosphoric acid had been added thereto or mixed or packed therewith so as to make them appear better or of greater value than they were. The grape juice was alleged to be adulterated (1) in that inferiority had been concealed through the use of artificial color, and (2) in that artificial color had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.

The pineapple orange, orange, and orange fruit punch flavors were alleged to be misbranded (1) in that the statement on the streamer label "Health Drinks Rich in Natural Vitamins" was false and misleading since the articles were not rich in vitamins because the amounts of vitamin C found were substantially less than the amounts found in orange and grapefruit juices; (2) in that the statements appearing in the labeling "Health Drinks \* \* \* Pineapple Orange Concentrate Health Drink," "Orange Concentrate Health Drink," "Fruit Punch Concentrate Health Drink," were false and misleading as applied to articles that were fruit-flavored sirups imitating fruit-juice concentrates; (3) in that they were imitations of other foods and their labels failed to bear in type of uniform size and prominence the word "imitation" and, immediately thereafter, the name of the food imitated; (4) in that they were fabricated from two or more ingredients and their labels failed to bear the common or usual name of each such ingredient since phosphoric acid was not declared; and (5) in that they contained artificial coloring and failed to bear labeling stating that fact. The grape juice was alleged to be misbranded (1) in that the statements, (streamer) "Health Drinks" and (bottle) "Health Drinks \* \* \* Grape Juice Concentrate Health Drinks," were false and misleading as applied to an article that was a fruit-flavored sirup imitating fruit-juice concentrates and that it was not rich in vitamins; and (2) in that it was an imitation of another food and its label failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated. The pineapple flavor was alleged to be misbranded in that the statements (streamer) "Health Drinks" and (bottle) "Health Drinks \* \* \* Pineapple Concentrate Health Drink," were false and misleading as applied to an article that was a fruit-flavored sirup imitating fruit-juice concentrates and that it was not rich in vitamins. The grapefruit flavor was alleged to be misbranded (1) in that the statements, (streamer) "Health Drinks Rich in Natural Vitamins" and (bottle) "Health Drinks \* \* \* Grapefruit Concentrate Health Drink," were false and misleading as applied to an article that was a fruit-flavored sirup imitating fruit-juice concentrates and that it was not rich in vitamins; and (2) in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient since its pulp was not declared.

On October 24, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

**4491. Adulteration of almond paste, date jam, doughnut sugar, apricot glaze, fondant icing, and red raspberry puree. U. S. v. Wood & Selick Co. and Harold E. Selick. Pleas of guilty. Defendant corporation fined \$3,000. Imposition of sentence was suspended with respect to Harold E. Selick. (F. D. C. No. 6493. Sample Nos. 58166-E, 74047-E, 74056-E, 74493-E, 74495-E, 74496-E.)**

Filth, such as rodent and other hairs, feather barbules, splinters, and worm and insect fragments, were found in samples taken from these products.

On June 30, 1942, the United States attorney for the Southern District of New York filed an information against Wood & Selick Co., a corporation trading at New York, N. Y., and Harold E. Selick, alleging shipment within the period from on or about September 2 to on or about September 11, 1941, from the State of New York into the States of Minnesota, Connecticut, and New Jersey of quantities of the above-named products which were adulterated in that they consisted in whole or in part of filthy substances.

The articles were labeled in part: "Favorite Almond Paste," etc.

On July 21, 1942, pleas of guilty having been entered, the court fined the defendant corporation \$500 on each of the 6 counts, a total of \$3,000. Imposition of sentence was suspended with respect to Harold E. Selick.

**4492. Adulteration of blueberry filling. U. S. v. 10 Pails of Blueberry Filling. Default decree of condemnation and destruction. (F. D. C. No. 8191. Sample No. 17143-F.)**

Examination of this product showed the presence of insect infested blueberries.

On August 21, 1942, the United States attorney for the District of New Jersey filed a libel against 10 wooden pails, each containing 30 pounds, of blueberry