

5602. Adulteration and misbranding of carbonated beverages. U. S. v. 2,084 Cases and 6,000 Cases of Carbonated Beverages. Default decrees of condemnation. Beverage contents ordered destroyed, with provision for the sale of the empty bottles. (F. D. C. Nos. 10410, 10789. Sample Nos. 31085-F, 43114-F.)

On or about August 19 and October 5, 1943, the United States attorneys for the Western District of Washington and the District of Oregon filed libels against 2,084 cases at Seattle, Wash., and 6,000 cases at Portland, Oreg., each containing 12 bottles, of carbonated beverages, alleging that the lot at Seattle and a portion of the lot at Portland (2,000 cases) had been shipped in interstate commerce on or about May 22 and June 10, 1943, from Chicago, Ill., by the S. & L. Beverage Co.; and charging that they were adulterated and misbranded. The articles shipped by that company were labeled in part: (Bottles) "Strawberry Soda [or "Lemon Soda," "Orange Soda," or "Root Beer"] Green Leaf Special Quality Beverages."

They were alleged to be adulterated in that a valuable constituent, sugar, had been in part omitted therefrom, in that saccharin had been substituted for material amounts of sugar, and in that saccharin, having no food value, had been added thereto or mixed or packed therewith so as to reduce the quality or strength of the beverages.

They were alleged to be misbranded in that the names "Strawberry Soda," "Lemon Soda," "Orange Soda," and "Root Beer," appearing in their labeling, were false and misleading as applied to articles containing saccharin, a non-nutritive substance.

On October 4 and November 18, 1943, no claimant having appeared, judgments of condemnation were entered and the beverage contents of the bottles were ordered destroyed, with provision for the sale of the empty bottles. (See notices of judgment on foods, Nos. 5603 and 5604, for the disposition of the remaining 4,000 cases.)

5603. Adulteration of carbonated beverages. U. S. v. 6,000 Cases of Carbonated Beverages. Default decree of condemnation. Beverage contents ordered destroyed, with provision for the sale of the empty bottles. (F. D. C. No. 10790. Sample No. 43110-F.)

On or about October 5, 1943, the United States attorney for the District of Oregon filed a libel against 6,000 cases, each containing 12 bottles, of carbonated beverages at Portland, Oreg., alleging that a portion of the article (2,000 cases) had been shipped in interstate commerce on or about May 22, 1943, from Chicago, Ill., by the Liberty Bott. (Liberty Bottling Co.); and charging that it was adulterated. This portion of the article was labeled in part: (Bottles) "Chicago's Favorite Carbonated Beverage."

It was alleged to be adulterated in that a valuable constituent, sugar, had been in part omitted therefrom, in that saccharin had been substituted for material amounts of sugar, and in that saccharin, having no food value, had been added thereto or mixed or packed therewith so as to reduce the quality or strength of the beverages.

On November 18, 1943, no claimant having appeared, judgment of condemnation was entered and the beverage contents of the bottles were ordered destroyed, with provisions for the sale of the empty bottles. (See notices of judgment on foods, Nos. 5602 and 5604, for the disposition of the remaining 4,000 cases.)

5604. Adulteration and misbranding of carbonated beverages. U. S. v. 6,000 Cases of Carbonated Beverages. Default decree of condemnation. Beverage contents ordered destroyed, with provision for the sale of the empty bottles. (F. D. C. No. 10791. Sample Nos. 43108-F, 43109-F.)

On or about October 5, 1943, the United States attorney for the District of Oregon filed a libel against 6,000 cases, each containing 12 bottles, of carbonated beverages at Portland, Oreg., alleging that a portion of the articles (2,000 cases) had been shipped in interstate commerce on or about May 29, 1943, from Chicago, Ill., by the Silver Cup Beverage Co.; and charging that it was adulterated and misbranded. This portion of the articles was labeled in part: (Bottles) "Tasty Cherry Soda," or "Delight Creamy Root Beer."

The articles were alleged to be adulterated in that a valuable constituent, sugar, had been in part omitted therefrom, in that saccharin had been substituted for material amounts of sugar, and in that saccharin, having no food value, had been added thereto or mixed or packed therewith so as to reduce the quality or strength of the beverages.

They were alleged to be misbranded in that the names "Root Beer" and "Cherry Soda," appearing in their labeling, were false and misleading as applied to articles containing saccharin, a non-nutritive substance.

On November 18, 1943, no claimant having appeared, judgment of condemnation was entered and the beverage contents of the bottles were ordered destroyed, with provision for the sale of the empty bottles. (See notices of judgment on foods, Nos. 5602 and 5603, for the disposition of the remaining 4,000 cases.)

5605. Adulteration and misbranding of orange drink. U. S. v. 100 Cases of Juice Rich California Orange. Decree of condemnation and destruction. (F. D. C. No. 10749. Sample No. 25375-F.)

On September 15, 1943, the United States attorney for the Eastern District of Virginia filed a libel against 100 cases, each containing 6 half-gallon bottles, of Juice Rich California Orange in various lots at Alexandria and elsewhere in Arlington County, Va., alleging that the article had been shipped on or about September 7, 1943, by the American Stores Co. warehouse from Baltimore, Md.; and charging that it was adulterated and misbranded. It was labeled in part: (Bottles) "Citrus Products Co. Lexington 2106 Baltimore, Md."

The article was alleged to be adulterated in that an artificially colored mixture of water, about 20 percent of orange juice, added orange oil, and acid had been substituted for a drink rich in orange juice, which it purported and was represented to be; in that inferiority had been concealed by the addition of artificial color, orange oil, and acid; and in that artificial color, orange oil, and acid had been added or mixed or packed therewith so as to make it appear better or of greater value than it was.

It was alleged to be misbranded in that the statements as appearing in its labeling, "This is a Fruit Juice Food Product * * * JUICE RICH CALIFORNIA ORANGE," and the design of oranges, were false and misleading as applied to an artificially colored mixture of water, about 20 percent orange juice, added orange oil, and acid; and in that the statements "Rich in Vitamins" and "Healthful" were false and misleading due to the fact that the first was capable of leading consumers to believe that the article had substantial amounts of a number of vitamins, whereas it did not. In fact, it was very low in vitamin C content, the one vitamin which would be expected by consumers to be present in substantial amounts in an orange juice product.

On November 18, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5606. Misbranding of coffee. U. S. v. 800 Cases and 999 Cases of Coffee. Decrees of condemnation. Product ordered released under bond for relabeling. (F. D. C. Nos. 11223, 11224. Sample Nos. 49621-F, 49622-F.)

Examination showed that this product was short-weight.

On December 2, 1943, the United States attorney for the Western District of New York filed libels against 1,799 cases, each containing 12 jars, of coffee at Buffalo, N. Y., alleging that the article had been shipped on or about August 30 and October 4, 1943, from Chicago, Ill., by the Coffee Corporation of America; and charging that it was misbranded. The article was labeled in part: (Jars) "Arrow Blend Vacuum Packed Coffee. One Pound Net Weight."

The article was alleged to be misbranded in that the statement "One Pound Net Weight," appearing in its labeling, was false and misleading as applied to an article that was short-weight; and in that it was a food in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

On December 28, 1943, Joseph C. Bonerb having appeared as claimant, judgments of condemnation were entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

CEREALS AND CEREAL PRODUCTS*

ALIMENTARY PASTES

5607. Adulteration of macaroni. U. S. v. 54 Cases and 12 Cases of Macaroni. Default decree of condemnation and destruction. (F. D. C. No. 10730. Sample Nos. 39733-F, 39738-F.)

Examination showed that this product contained weevils, insect fragments and insect excreta, and that a portion, 12 cases, also contained beetles.

*See also Nos. 5766, 5769, 5800.