

by using for every $\frac{1}{2}$ pound of coffee replaced 1 ounce of Coffee Concentrate. For example, where you used 5 pounds of Coffee, now use $2\frac{1}{2}$ pounds of Coffee and 5 ounces of Coffee Concentrate. With Silex—Use $\frac{1}{2}$ pack of Coffee and $\frac{1}{4}$ ounce of Coffee Concentrate," were false and misleading; and, Section 403 (b), the article was offered for sale under the name of another food.

DISPOSITION: December 28, 1943. Henry Heiman appeared as claimant and admitted the allegation of the libel. Judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration.

5802. Adulteration of cider. U. S. v. 380 Cases of Cider. Default decree of condemnation and destruction. (F. D. C. No. 11161. Sample Nos. 20837-F, 51470-F.)

LIBEL FILED: November 23, 1943, District of Massachusetts.

ALLEGED SHIPMENT: On or about October 27, 1943, by the Rowse Co., Hamlin, N. Y.

PRODUCT: 380 cases, each containing 4 1-gallon jugs, of cider at Somerville, Mass.

LABEL, IN PART: (Jugs) "Minute Man Sweet Cider."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the use, in the manufacture of the product, of rotten and wormy apples, and it consisted in whole or in part of a decomposed substance by reason of the presence of decomposed apple juice; Section 402 (a) (4), it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: January 31, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5803. Misbranding of imitation grape base. U. S. v. 31 Cases of Imitation Grape Base. Decree of condemnation. Product ordered released under bond to be brought into compliance with the law. (F. D. C. No. 10527. Sample Nos. 28988-F, 35703-F.)

LIBEL FILED: September 2, 1943, Northern District of Georgia.

ALLEGED SHIPMENT: On or about July 3, 1943, by Holler's Concentrated Beverages, Miami, Fla.

PRODUCT: 31 cases, each containing 12 bottles, of imitation grape base at Atlanta, Ga.

LABEL, IN PART: (Bottle) "Sexton's Contents 1 Pint Imitation Grape Base * * * packed for John Sexton & Co. Distributors Chicago-Brooklyn."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), in that the statement "Contents 1 Pint" was false and misleading as applied to an article that was short volume; and, Section 403 (e) (2), in that the article was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: November 22, 1943. A. M. Lerner, J. Carter Hollis, Thelma Hollis, and Jacob Lerner, doing business as Holler's Concentrated Beverages, claimants, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration.

5804. Adulteration of canned grapefruit juice. U. S. v. 199 Cases and 295 Cases of Canned Grapefruit Juice. Default decree of condemnation and destruction. (F. D. C. No. 9780. Sample No. 20612-F.)

LIBEL FILED: April 9, 1943, District of Massachusetts.

ALLEGED SHIPMENT: On or about February 22, 1943, by the Christensen Products Corporation, Weslaco, Tex.

PRODUCT: 199 cases, each containing 24 No. 2 cans, and 295 cases, each containing 12 No. 3 cans, of grapefruit juice at Boston, Mass.

LABEL, IN PART: "Tropic Gold Brand Unsweetened Grapefruit Juice."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance by reason of the presence of scavenger flies and scavenger fly larvae, eggs and fragments, and

mold; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: February 21, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5805. Adulteration and misbranding of orangeade. U. S. v. 71 Cases of Orange Ade. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 11081. Sample No. 41582-F.)

LABEL FILED: November 9, 1943, Southern District of Alabama.

ALLEGED SHIPMENT: On or about September 10, 1943, by the Sun-Rich Products Co., New Orleans, La.

PRODUCT: 71 cases, each containing 12 half-gallon jars, of orangeade at Mobile, Ala.

LABEL, IN PART: "Sun-Glow Orange Ade."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), an artificially colored and acidulated liquid, sweetened with sugar and flavored with orange oil, containing orange pomace, a very small amount of orange juice, and an insignificant amount of vitamins, had been substituted in whole or in part for "Orange Ade Rich in Vitamins"; Section 402 (b) (3), inferiority had been concealed by the use of color, orange oil, and added acid; and, Section 402 (b) (4), color, orange oil, and acid had been added to or mixed or packed with the article so as to make it appear better or of greater value than it was.

Misbranding, Section 403 (a), the statements, "Orange Ade Made From Fresh Ripe Fruit * * * Rich In Vitamins Contains the juice of fresh California oranges," were false and misleading as applied to a product containing very little orange juice and an insignificant amount of vitamins; and, Section 403 (c), it was an imitation of another food, orangeade, 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.

DISPOSITION: December 28, 1943. No claimant having appeared, default decree of condemnation was entered, and the product was ordered distributed to charitable institutions.

CEREALS AND CEREAL PRODUCTS*

ALIMENTARY PASTES

5806. Adulteration and misbranding of egg noodles. U. S. v. Prince Macaroni Manufacturing Co. Plea of guilty. Fine, \$100. (F. D. C. No. 9665. Sample Nos. 18749-F, 19873-F.)

INFORMATION FILED: June 28, 1943, District of Massachusetts, against the Prince Macaroni Manufacturing Co., a corporation, Lowell, Mass.

ALLEGED SHIPMENT: From on or about October 15 to November 14, 1942, from the State of Massachusetts into the States of New York and Rhode Island.

LABEL, IN PART: (Packages) "Pure Egg Noodles."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), a valuable constituent, eggs, had been in whole or in part omitted from the article; Section 402 (b) (2), artificially colored noodles, containing less egg solids than egg noodles should contain, had been substituted in whole or in part for egg noodles, which the article was represented to be; Section 402 (b) (3), it was inferior to egg noodles and its inferiority had been concealed by the addition of artificial color; Section 402 (b) (4), artificial color had been added to or mixed or packed with the article so as to make it appear better or of greater value than it was; and, Section 402 (c), it contained a coal-tar color other than one from a batch that had been certified.

Misbranding, Section 403 (a), the statements "egg noodles" and (portion) "Contains * * * 5½% of solid egg yolk," appearing in the label, were false and misleading since the article did not consist of egg noodles and the said portion did not contain 5½ percent of solid egg yolk; and, Section 403 (b), the article was not egg noodles, but was a food containing a smaller amount of eggs than egg noodles should contain, and it was offered for sale under the name of another food, egg noodles.

DISPOSITION: October 13, 1943. A plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$100.

*See also Nos. 5830, 5996, 5997, 6000.