

6002. Adulteration and misbranding of Orange Dairy Mix. U. S. v. 6 Cases of Orange Dairy Mix. Default decree of condemnation and destruction. (F. D. C. No. 12228. Sample No. 52047-F.)

LIBEL FILED: May 1, 1944, District of New Hampshire.

ALLEGED SHIPMENT: On or about August 28, 1943, by the L. E. Leach Co., Somerville, Mass.

PRODUCT: 6 cases, each containing 4 1-gallon jugs of Orange Dairy Mix, at Concord, N. H.

LABEL, IN PART: (Jugs) "Old Chateau * * * Orange Dairy Mix * * * Old Chateau Products Post Office, Bedford, Mass. Plant, Carlisle, Mass."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), in that a valuable constituent, orange juice, had been in part omitted from the product; Section 402 (b) (2), in that water had been substituted in whole or in part for orange juice; Section 402 (b) (3), in that inferiority had been concealed by the use of orange pomace, orange oil, water, gum, acids, and artificial color; and, Section 402 (b) (4), in that artificial color and orange pomace had been added thereto and mixed and packed therewith, so as to make the product appear better or of greater value than it was.

Misbranding, Section 403 (a), in that the statement on the label, "Pure California Valencia Orange Juice—Sugar—Peel Oil—Gum—Citric Acid—Corn Syrup—Color and Preservative Added," was false and misleading as applied to a mixture containing water, an insignificant proportion of orange juice, and no vitamin C; and, Section 403 (i) (2), in that the article was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient since water, orange pomace, lactic acid, and the kind of gum used were not declared.

DISPOSITION: July 12, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6003. Adulteration and misbranding of pineapple and orange drink. U. S. v. 25 Cases of Pineapple and Orange Drink. Default decree of condemnation. Product delivered to charitable institutions. (F. D. C. No. 12729. Sample No. 40199-F.)

LIBEL FILED: June 27, 1944, District of South Dakota.

ALLEGED SHIPMENT: On or about May 12, 1944, by the Iowa Products Co., from Sioux City, Iowa.

PRODUCT: Pineapple and orange drink, 25 cases, each containing 6 half-gallon jugs, at Sioux Falls, S. Dak.

The product was an artificially colored, acidulated solution of water and sugar which contained fruit pomace and was flavored with orange peel oil and artificial pineapple flavor to simulate a fruit ade. It contained little or no pineapple or orange juice and was preserved with sodium benzoate.

LABEL, IN PART: (Jugs) "Rio Grande Pineapple and Orange Drink."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), valuable constituents, pineapple and orange juice, had been in whole or in part omitted from the product; Section 402 (b) (4), artificial color, acid, fruit pomace, orange peel oil, and artificial flavor of pineapple-orange fruitade had been mixed and packed with the product so as to make it appear better and of greater value than it was.

Misbranding, Section 403 (a), the statements which appeared on the label, "A Quality Drink for the Entire Family * * * Contains Water, Sugar, Pineapple and Orange Juice, Citric Acid, Fruit Oils, Artificial color. Less than 1/10 of 1% Benzoate of Soda," were false and misleading as applied to an article which contained little or no pineapple and orange juice; and, Section 403 (c), it was an imitation of another food, pineapple and orange fruitade, 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: July 31, 1944. No claimant having appeared, judgment of condemnation was entered and the marshal was ordered to dispose of the product. It was delivered to charitable institutions.