

6404. Misbranding of fountain sirups. U. S. v. 6 Jars and 11 Jars of Vanilla Syrup and 12 Jars of Orangeade Syrup. Default decree of condemnation and destruction. (F. D. C. No. 11889. Sample Nos. 51807-F to 51809-F, incl.)

LIBEL FILED: February 24, 1944, District of Maine.

ALLEGED SHIPMENT: On or about October 13, 1943, by the Tumarkin Brothers, from Roxbury, Mass.

PRODUCT: 17 1-gallon jars of vanilla sirup and 12 1-gallon jars of orangeade sirup at Portland, Maine.

LABEL, IN PART: (Jar) "S. & D Brand Contents 1 Gallon Vanilla Syrup [or "Orangeade Syrup"]."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the name "Vanilla Syrup" was false and misleading as applied to the article, which was an artificially flavored and colored product containing no vanilla; and the name "orangeade" was false and misleading as applied to a product which contained no orange juice; Section 403 (c), the "vanilla syrup" was an imitation of another food and its labels failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated; and both products were fabricated from two or more ingredients and the labels failed to bear the common or usual name of each such ingredient, since the ingredients were not listed; and, Section 403 (k), the "vanilla syrup" contained artificial flavoring and coloring and did not bear labeling stating that fact.

DISPOSITION: March 9, 1944. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

6405. Adulteration and misbranding of orange drink, pineapple and orange drink, and grape drink. U. S. v. 148 Cases of Orange Drink (and 2 other seizure actions against beverages). Default decrees of condemnation. Products ordered sold. (F. D. C. No. 11601. Sample Nos. 47701-F to 47703-F, incl.)

LIBEL FILED: January 8, 1944, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about October 4 and 5, 1943, by the G. & G. Distributors, from Salem, Ill.

PRODUCT: 148 cases, each containing 6 bottles, of orange drink; 84 cases, each containing 6 bottles, of pineapple and orange drink; and 26 cases, each containing 6 bottles, of grape drink, at St. Louis, Mo.

LABEL, IN PART: (Bottles) "Sun-Vale Orange [or "Pineapple & Orange," or "Concord Grape"] Drink."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), (orange drink and pineapple and orange drink) flavored, artificially colored liquids containing fruit pomace and little or no fruit juice and sweetened with saccharin and sugar, acidulated with phosphoric acid or acid phosphate, and containing no demonstrable amounts of vitamins, had been substituted for the articles; (grape drink) an artificially flavored and colored, acidulated liquid, sweetened with saccharin and sugar and containing little or no grape juice, had been substituted for the article; Section 402 (b) (3), inferiority had been concealed by the use of artificial color and saccharin, and, in addition, fruit pomace in the case of the orange and the orange and pineapple drinks, and artificial flavor, in the case of the grape drink; and Section 402 (b) (4), a substance, saccharin, having no food value, had been added to the articles or mixed or packed therewith so as to reduce their quality or strength.

Misbranding, Section 403 (a), the statements "Orange Drink * * * To the Pure Orange Juice is added the vitamins contained in the peel. Contains Pure orange juice, pure lemon juice," "Pineapple & Orange Drink * * * "To the Pure Pineapple Juice and the Pure Orange Juice is added the vitamins contained in the peel," and "Concord Grape Drink * * * contains Pure Grape Juice," in the labelings of the respective products, were false and misleading; Section 403 (b), the articles were offered for sale under the names of other foods; and, Section 403 (i) (2), they were fabricated from two or more ingredients and the labels failed to bear the common or usual name of each such ingredient.

DISPOSITION: February 5 and 7, 1944. No claimant having appeared, judgments of condemnation were entered and the products were ordered sold on condition that they should not be disposed of in violation of the law. They were destroyed and the containers salvaged.