

or in part omitted from the products; and, Section 402 (b) (4), artificial flavor, artificial color, and acids (cherry flavor); artificial color, orange oil and acids (orange flavor); artificial colors, lemon oil, and acids (lemon flavor); and artificial flavor, artificial color, and acids (grape flavor), had been added to the products and mixed and packed with them so as to make them appear to be nectar sirup flavors, containing substantial amounts of concentrated cherry, orange, lemon, or grape juices, which are better and of greater value than the products were.

Misbranding, Section 403 (a), the statements on the labels, (cherry flavor) "with Other Natural Flavors \* \* \* Contains \* \* \* Concentrated Cherry Juice, and Other Natural Flavors \* \* \* can also be used to make marmalade and jelly"; (orange flavor) "Contains \* \* \* Concentrated Orange Juice \* \* \* making jelly and marmalade \* \* \* Orange Juice—simply add water to this syrup and drink as orange juice"; (lemon flavor) "Contains \* \* \* Concentrated Lemon Juice \* \* \* can also be used to make marmalade and jelly"; and (grape flavor) "with Other Natural Flavors \* \* \* Contains \* \* \* Concentrated Grape Juice, and Other Natural Flavors \* \* \* making jelly and marmalade \* \* \* Grape Juice—simply by adding water to 'Nectar Syrup' drink as grape juice," were false and misleading as applied to products containing inconsequential amounts of concentrated fruit juices.

**DISPOSITION:** December 5, 1944. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

**7703. Adulteration and misbranding of fruit-flavored beverage sirups. U. S. v. 12 Cases of Beverage Sirups. Default decree of condemnation and destruction.** (F. D. C. No. 13770. Sample Nos. 74925-F to 74929-F, incl.)

**LABEL FILED:** September 18, 1944, District of Oregon.

**ALLEGED SHIPMENT:** On or about August 4, 1944, by the Blue Moon Products Co., from Seattle, Wash.

**PRODUCT:** 12 cases, each containing 24 jars, of raspberry, strawberry, pineapple, cherry, and lemon and lime sirups, at Portland, Oreg. Examination showed that the cherry sirup was an artificially flavored sirup containing little or no fruit juice; that the other articles were fruit-flavored sirups containing little or no fruit juice; and that the raspberry sirup was undergoing fermentation.

**LABEL, IN PART:** "Blumas Raspberry [or "Strawberry," "Cherry," or "Pineapple"] \* \* \* Contents 20 oz. Avd. Manufactured by Blumoon Food Products, Inc. Brooklyn, N. Y.," and "Blumas Lemon & Lime Syrup \* \* \* Contents 20 oz. Avd."

**VIOLATIONS CHARGED:** Adulteration, Section 402 (a) (3), the raspberry sirup consisted in whole or in part of a decomposed substance; and, Section 402 (b) (2), the products described above had been substituted in whole or in part for raspberry sirup, strawberry sirup, cherry sirup, pineapple sirup, or lemon and lime sirup, which they were represented to be.

Misbranding, Section 403 (a), the statements "Raspberry [or "Strawberry," or "Pineapple"] \* \* \* fruit and fruit flavor," and "Lemon & Lime Syrup," were false and misleading as applied to sirups flavored with fruit flavors and containing little or no fruit juice; Section 403 (a), the statement "Cherry Syrup" was false and misleading as applied to an artificially flavored sirup containing little or no fruit juice; and, Section 403 (c), the cherry sirup 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.

**DISPOSITION:** November 15, 1944. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

**7704. Adulteration and misbranding of fruit-flavored beverage sirups. U. S. v. 1,115 Jugs of Nutri Grape Syrup, and 399 Jugs of Nutri Cherry Syrup. Consent decree of condemnation. Products ordered released under bond.** (F. D. C. No. 12644. Sample Nos. 76494-F, 76495-F.)

**LABEL FILED:** June 13, 1944, District of New Jersey.

**ALLEGED SHIPMENT:** Between the approximate dates of March 24 and May 2, 1944, by the Victor Syrup Corporation, from Long Island City, N. Y.

**PRODUCT:** 1,514 1-gallon jugs of beverage sirups at Belleville, N. J.