

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.

LABEL, IN PART: (Jugs) "Nutri Grape Grape Wine Base A vintage flavor," and the design of a cluster of grapes; or "Nutri Cherry Nutri Fruit Base Finest Ingredients Superior Quality," and the design of a cluster of cherries.

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (4), artificial flavoring, artificial color, and acid simulating the flavor, color, and acidity of grape sirup or cherry sirup had been added to the products and mixed and packed with them so as to make them appear better or of greater value than they were.

Misbranding, Section 403 (a), the statements and designs in the labeling described above suggested that the products contained substantial amounts of grape or cherry juices, whereas they contained little or no grape or cherry juices; Section 403 (c), the products were imitations of grape sirup and cherry sirup, products containing substantial and characterizing amounts of fruit juices, and their labels failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated; and, Section 403 (e) (2), they were fabricated from two or more ingredients and their labels failed to bear the common or usual name of the added acid.

DISPOSITION: December 19, 1944. The Victor Syrup Corporation, claimant, having admitted the material allegations of the libel, judgment of condemnation was entered and the products were ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

7705. Adulteration and misbranding of beverage sirups. U. S. v. 99 Jugs of Chocolate Egg Cream Flavor, 19 Jugs of Orange Flavor, and 74 Jugs of Strawberry Flavor. Default decree of condemnation. Product ordered delivered to a charitable organization. (F. D. C. No. 12721. Sample Nos. 76934-F to 76936-F, incl.)

LIBEL FILED: June 24, 1944, District of New Jersey.

ALLEGED SHIPMENT: On or about May 9, 1944, by the S. J. Baron Corporation, from New York, N. Y.

PRODUCT: 192 1-gallon jugs of beverage sirups at Newark, N. J.

LABEL, IN PART: "Master Brands of America Manufacturers New York."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), (chocolate egg cream flavor) valuable constituents, eggs and cream, had been in whole or in part omitted from the product; and (orange and strawberry flavors) valuable constituents, orange or strawberry juices, had been in whole or in part omitted from the products; and, Section 402 (b) (4), (orange) orange oil flavoring, artificial color, and acid, and (strawberry) artificial flavoring, artificial color, and acid, both simulating the flavor, color, and acidity, respectively, of products containing substantial and characterizing proportions of the designated fruit juices, had been added to the products and mixed and packed with them so as to make them appear better or of greater value than they were.

Misbranding, Section 403 (a), (chocolate egg cream flavor) the name, "A Beverage Syrup Chocolate Egg Cream Flavor," was misleading since it implied that the product contained a substantial amount of eggs and cream, whereas it contained little, if any, of those ingredients; (orange flavor) the label statement, "A Beverage Syrup Orange Flavor * * * orange juice," was false and misleading as applied to a product which contained little or no orange juice; and (strawberry flavor) the label statement, "A Beverage Syrup Strawberry Flavor * * * strawberry juice and fruit," was false and misleading since it implied that the product was strawberry sirup made from strawberry fruit, strawberry juice, and sugar; and, Section 403 (c), (orange and strawberry flavors) the products were imitations of other foods and their labels failed to bear, in type of uniform size and prominence, the word "Imitation" and, immediately thereafter, the name of the food imitated, i. e., orange or strawberry sirup.

DISPOSITION: October 23, 1944. No claimant having appeared, judgment of condemnation was entered and the products were ordered delivered to a charitable organization, after destruction of the labels.

7706. Adulteration and misbranding of fruit-flavored beverage sirups. U. S. v. 39 Cases of Nectar Syrup (and 1 other seizure action against beverage bases). Default decrees of condemnation. Portion ordered delivered to a charitable or public institution; remainder ordered destroyed. (F. D. C. Nos. 13070, 13400. Sample Nos. 71266-F to 71269-F, incl., 71619-F.)

LIBELS FILED: On or about August 15 and September 6, 1944, Western District of Washington and District of Oregon.