

ALLEGED SHIPMENT: On or about August 23, 1943, from the State of Illinois into the State of Ohio.

LABEL, IN PART: (Jugs) "California Valencia * * * Imitation Orange Flavored Syrup." A number of unaffixed labels were shipped with the article.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), an artificially colored mixture of sugar, orange pomace, phosphoric acid or acid phosphate, orange peel oil, pectin, glycerin, and orange juice, preserved with sodium benzoate and containing a negligible proportion of vitamin C, had been substituted for concentrated orange juice; Section 402 (b) (3), inferiority had been concealed by the addition of artificial color, sugar, orange pomace, phosphoric acid or acid phosphate, orange peel oil, pectin, glycerin, and water, which substances had been added to the article so as to make it appear to be concentrated orange juice.

Misbranding, Section 403 (a), the following label statements and designs were false and misleading: (Cases) "Sweet Orange"; (jugs) "California Valencia * * * Orange Flavored Syrup Contains Orange Juice, Dehydrated Orange Juice * * * Orange Products Corporation"; (unaffixed labels) "A Fresh Fruit Food Product California Valencia Orange Drink [design of a whole orange and a cut orange dripping juice into a glass containing orange juice]." Further misbranding, Section 403 (c), the article was an imitation of concentrated orange juice, and the labels on the jugs 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 (i) (2), the article failed to bear the common or usual name of each ingredient since it contained orange pomace and phosphoric acid or acid phosphate, which ingredients were not listed in the statement of ingredients borne on the label.

DISPOSITION: December 3, 1945. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$500 and costs.

9008. Misbranding of papaya fruit drink. U. S. v. 99 Cases and 105 Cases of Papaya Fruit Drink. Default decrees of condemnation. Product ordered delivered to a charitable institution. (F. D. C. Nos. 16390, 16391. Sample Nos. 10491-H, 10492-H.)

LIBELS FILED: June 4 and July 4, 1945, Western District of Pennsylvania.

ALLEGED SHIPMENT: Between the approximate dates of October 12 and December 7, 1944, by the Pan American Food Products Co., Chicago, Ill.

PRODUCT: 204 cases, each containing 12 1-quart bottles, of papaya fruit drink at Pittsburgh, Pa.

LABEL, IN PART: "Pan American Brand Papaya Fruit Drink."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Papaya Fruit Drink" was false and misleading as applied to an artificially flavored and colored acidulated and sweetened beverage containing an insignificant amount of papaya or other fruit juice; Section 403 (i) (2), the label failed to bear the common or usual name of each ingredient of the article since water and the specific acid were not declared; and, Section 403 (k), the article contained artificial coloring and flavoring and a chemical preservative, and it failed to bear a label stating that fact.

DISPOSITION: July 10, 1945. No claimant having appeared, judgments of condemnation were entered and the product was ordered delivered to a charitable institution.

CEREALS AND CEREAL PRODUCTS

BAKERY PRODUCTS*

9009. Adulteration of bakery products. U. S. v. Athens Baking Co. Plea of guilty. Fine, \$500. (F. D. C. No. 15554. Sample Nos. 92808-F, 92809-F, 92838-F, 92839-F.)

INFORMATION FILED: July 24, 1945, District of Columbia, against the Athens Baking Co., a partnership, Washington, D. C. It was charged that the defend-

*See also No. 9031.

ant, on or about August 14 and 15 and October 31, 1944, manufactured within the District of Columbia quantities of bread and rolls that were adulterated; and that, on or about August 15, 1944, the defendant introduced into the commerce of the District of Columbia a quantity of rolls similarly adulterated.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of larva head capsules, insect fragments, mites, an adult insect, rodent hair fragments, hair fragments resembling rodent hair fragments, and a feather fragment; and Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: August 31, 1945. A plea of guilty having been entered, the defendant was fined \$500.

9010. Misbranding of enriched bread. U. S. v. Gottfried Baking Co. Plea of guilty. Imposition of sentence suspended. (F. D. C. No. 15582. Sample Nos. 76553-F, 77515-F.)

INFORMATION FILED: February 6, 1946, Southern District of New York, against the Gottfried Baking Co., a corporation, New York, N. Y.

ALLEGED SHIPMENT: On or about May 1 and August 8, 1944, from the State of New York into the State of New Jersey.

PRODUCT: Analyses showed that the bread involved in one shipment contained not more than 0.34 milligram of riboflavin per pound, and that in the other shipment the bread contained not more than 0.81 milligram of vitamin B₁ and not more than 0.44 milligram of riboflavin per pound.

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Enriched Bread" was false and misleading since it represented that the article contained the amounts of vitamin B₁ and riboflavin that are contained in bread made from enriched flour. The article in both shipments contained less riboflavin (vitamin B₂), and that in one of the shipments also contained less thiamine (vitamin B₁), than is contained in bread made from enriched flour, which bread should contain not less than 0.7 milligram of riboflavin and not less than 1.1 milligrams of thiamine per pound.

Further misbranding, Section 403 (a), the statements, "One half pound (about 8 slices) of this bread supplies you with at least the following amounts or percentages of your minimum daily requirements for these essential food substances: Thiamine (Vitamin B-1) 55%; Riboflavin (Vitamin B-2) 17.5%," were false and misleading since the product in one shipment would supply not more than 8.5 percent of the minimum daily requirement for riboflavin, and the product in the other shipment would supply not more than 40.5 percent of the minimum daily requirement for thiamine and not more than 11 percent of the minimum daily requirement for riboflavin.

DISPOSITION: March 4, 1946. The defendant, having entered a plea of guilty, was given a suspended sentence.

9011. Adulteration of pecan rolls. U. S. v. Ernest Vasiliou (Supreme Bakery). Plea of guilty. Fine, \$750. (F. D. C. No. 15559. Sample No. 75963-F.)

INFORMATION FILED: October 16, 1945, Northern District of West Virginia, against Ernest Vasiliou, an individual trading as the Supreme Bakery at Wheeling, W. Va.

ALLEGED SHIPMENT: On or about November 14, 1944, from the State of West Virginia into the State of Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs and hair resembling rodent hair; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 26, 1945. A plea of guilty having been entered, the defendant was fined \$750.