

BEVERAGES AND BEVERAGE MATERIALS

15751. Misbranding of Vita pineapple (beverage). U. S. v. Paul A. Markham (California Fruit Juice Co.). Plea of nolo contendere. Fine, \$100. (F. D. C. No. 26815. Sample No. 5307-K.)

INFORMATION FILED: October 25, 1949, District of Massachusetts, against Paul A. Markham, trading as the California Fruit Juice Co., Waltham, Mass.

ALLEGED SHIPMENT: On or about September 2, 1948, from the State of Massachusetts into the State of Rhode Island.

LABEL, IN PART: "Vita Pineapple With Vitamins Added California Fruit Juice Company * * * Contains pure pineapple juice, cane sugar syrup, edible acids, U. S. Certified Color and less than 1/10 of 1% benzoate of soda."

NATURE OF CHARGE: Misbranding, Section 403 (a), the name of the article "Vita Pineapple," the statement "Fruit Juice" in the name of the firm, and the statement "Contains Pure Pineapple juice, cane sugar syrup, edible acids," borne on the label, were misleading since such name and statements represented and suggested that the article consisted essentially of sweetened pineapple juice, whereas it consisted of approximately 80 percent water, 10 percent sugar, and 10 percent pineapple juice.

Further misbranding, Section 403 (a), the label statement "There has been added to each one-half gallon * * * 2,400 U. S. P. units of vitamin C" was false and misleading since such statement represented and suggested that the article contained 2,400 U. S. P. units of vitamin C per one-half gallon, whereas the article contained a smaller amount of vitamin C; and, Section 403 (e) (2), the label of the article bore no statement of the quantity of the contents.

DISPOSITION: November 29, 1949. A plea of nolo contendere having been entered, the court imposed a fine of \$100.

15752. Adulteration of tomato juice. U. S. v. Clyde Canning Co. Plea of guilty. Fine of \$100 on each of the three counts of the information, plus costs. Payment of fine on counts 2 and 3 suspended. (F. D. C. No. 28210. Sample Nos. 45039-K, 45042-K, 46585-K.)

INFORMATION FILED: January 19, 1950, Northern District of Ohio, against the Clyde Canning Co., a partnership, Clyde, Ohio.

ALLEGED SHIPMENT: On or about May 8 and July 21, 1949, from the State of Ohio into the States of Iowa and Pennsylvania.

LABEL, IN PART: "Jack Sprat Tomato Juice * * * Distributed By Marshall Canning Co. Marshalltown, Iowa" or "Sunny-Crop Tomato Juice * * * Packed by Clyde Canning Co. Clyde, Ohio."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: February 9, 1950. A plea of guilty having been entered, the court imposed a fine of \$100 on each of the 3 counts of the information, plus costs, but suspended the payment of the fine imposed on counts 2 and 3.

15753. Adulteration of tomato juice. U. S. v. Gervas Canning Co., Inc. Plea of guilty. Fine, \$250. (F. D. C. No. 28189. Sample No. 5767-K.)

INFORMATION FILED: December 6, 1949, Western District of New York, against Gervas Canning Co., Inc., Fredonia, N. Y.

ALLEGED SHIPMENT: On or about April 1, 1949, from the State of New York into the State of New Hampshire.

LABEL, IN PART: "IGA * * * Tomato Juice Packed for Independent Grocers' Alliance Distributing Co. Chicago New York San Francisco Seattle."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato juice.

DISPOSITION: December 19, 1949. A plea of guilty having been entered, the court imposed a fine of \$250.

15754. Adulteration of tomato juice. U. S. v. 25 Cases * * *. (F. D. C. No. 28604. Sample No. 61480-K.)

LIBEL FILED: December 29, 1949, Western District of Arkansas.

ALLEGED SHIPMENT: On or about November 22, 1949, by G. L. Webster Co., Inc., from Cheriton, Va.

PRODUCT: 25 cases, each containing 72 6-ounce cans, of tomato juice at Texarkana, Ark.

LABEL, IN PART: "Webster's of Virginia Tomato Juice."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: March 15, 1950. Default decree of condemnation and destruction.

CEREALS AND CEREAL PRODUCTS

FLOUR

Nos. 15755 to 15758 report actions involving flour that was insect- or rodent-infested, or both. (In those cases in which the time of contamination was known, that fact is stated in the notice of judgment.)

15755. Adulteration of flour. U. S. v. Burnside Milling Co., a partnership, William B. Robinson, and John O. Robinson. Pleas of nolo contendere. Sentence suspended against partnership; individual defendants placed on probation for 3 years. (F. D. C. No. 26316. Sample Nos. 44128-K, 44129-K.)

INFORMATION FILED: January 20, 1949, Eastern District of Kentucky, against the Burnside Milling Co., a partnership, Burnside, Ky., John O. Robinson, a partner, and William B. Robinson, in charge of milling operations.

ALLEGED SHIPMENT: On or about September 8, 1948, from the State of Kentucky into the State of Tennessee.

LABEL, IN PART: "Burnside Milling Company Red Bird Patent Flour" or "Hostess High Patent Flour."

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

DISPOSITION: November 14, 1949. Pleas of nolo contendere having been entered, sentence was suspended against the partnership and the individual defendants were placed on probation for three years.