

**CHARGE:** 403(a)—when shipped, the name "Cherry Apple Juice Drink" and the label vignette depicting fresh cherries and apples, were false and misleading as applied to a product whose ingredients were declared on its label to consist of water, sugar, apple juice concentrate, cherry, apple, and other natural flavors, citric acid, ascorbic acid, and U.S. certified color.

**DISPOSITION:** 6-21-63. Default—delivered to a Government institution.

**29005. Chocolate-flavored beverages.** (F.D.C. No. 47869. S. No. 35-317 R.)

**INFORMATION FILED:** 11-5-62, E. Dist. N.Y., against Diamond Club Beverages Corp., t/a Threemor Sales Co., Brooklyn, N.Y., and Louis Zivin, president.

**SHIPPED:** 11-16-60, from Brooklyn, N.Y., to New Brunswick, N.J.

**LABEL IN PART:** (Btl.) "THREEMOR \* \* \* The Chocolate Cow."

**CHARGE:** 402(a)(3)—contained insects; and 402(a)(4)—prepared and packed under insanitary conditions.

**PLEA:** Guilty.

**DISPOSITION:** 6-27-63. Corporation—\$500 fine; Zivin—\$100 fine.

**29006. Various bottled beverages.** (F.D.C. No. 48525. S. Nos. 22-533 T, 22-536 T, 66-272/75 T, 76-609/10 T, 76-615/16 T.)

**INFORMATION FILED:** 5-2-63, Dist. Utah, against Seven-Up Bottling Co. of Cedar City, a corporation, Cedar City, Utah, and Henry W. Randall, president, and Clarence C. Randall, secretary.

**SHIPPED:** Between 3-17-62 and 7-15-62, from Cedar City, Utah, to Page, Ariz.

**LABEL IN PART:** (Btl.) "SEVEN-UP Contains \* \* \* 12 FL. Ozs. [or "7 FL. Ozs."] SEVEN-UP BOTTLING CO. CEDAR CITY, UTAH"; "ROYAL CROWN RC COLA ROYAL CROWN BOTTLING CO., CEDAR CITY, UTAH"; and "ORANGE BOTT. BY SEVEN-UP BOTT. CO., CEDAR CITY, UTAH."

**CHARGE:** 402(a)(3)—contained clumps of mold, dirt, and other foreign substances; and 402(a)(4)—prepared and packed under insanitary conditions.

**PLEA:** Guilty.

**DISPOSITION:** 6-10-63. Corporation—\$3,200 fine, of which \$2,700 was suspended; Henry W. Randall—\$2,000 fine, of which \$1,800 was suspended; Clarence C. Randall—\$1,000 fine, of which \$900 was suspended; and, in addition, each defendant placed on probation for 2 years.

## CEREALS AND CEREAL PRODUCTS

### BAKERY PRODUCTS

**29007. Frozen cakes.** (Inj. No. 420.)

**COMPLAINT FOR INJUNCTION FILED:** 10-5-61, N. Dist. Ga., against Southern Bakeries Co., a corporation, Atlanta, Ga., Ogden A. Guilfuss, president of the corporation, and Charles R. Loyd, manager of the corporation's plant on Highland Ave., N.E., Atlanta, Ga.

**CHARGE:** The complaint alleged that the defendants were engaged at the corporation's Highland Avenue plant in the business of preparing, packing, and storing for shipment in interstate commerce, and causing to be introduced and delivered for introduction into interstate commerce, frozen cakes which were adulterated as follows: 402(a)(3)—the articles contained moth larvae, insect fragments, and rodent hairs; and 402(a)(4)—the articles had been prepared, packed, and held under insanitary conditions.