

UNITED STATES OF AMERICA
IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.
FRIEDRICH R. "FRED" KOHLBACH,

Defendant.

No. 1:93-CR-21

Hon. Robert Holmes Bell

DECLARATION OF BRUNO MOSER

Pursuant to 28 U.S.C. § 1746, BRUNO MOSER declares as follows:

1. I was born on July 23, 1919, in Zemun, Yugoslavia. In 1954 I emigrated to the United States and in 1959 I became a naturalized citizen.
2. In 1955 or 1956 I became an employee of Home Juice Detroit. I was hired as a foreman, and later became the lab technician. In the 1970's Home Juice Detroit became Everfresh. In approximately 1986 Labatts acquired Everfresh.
3. Home Juice Detroit, and later Everfresh was in the business of manufacturing 100% juices, including orange juice and other drinks.
4. Sometime in the late 1970's or very early 1990's Home Juice Detroit began purchasing a "preservative" from Friedrich R. Kohlbach for use in Home Juice Detroit's cold-packed 100% orange juice.
5. At the time Home Juice Detroit began purchasing the Kohlbach product, I believed that use of such product in 100% orange juice was illegal.
6. I personally met Mr. Kohlbach, who is described by me as a tall, white haired man with a short well trimmed beard approximately 60 to 65 years old and of German origin.

EXHIBIT

7. Kohlbach represented the product he sold to Home Juice Detroit as an undetectable enzyme which was approved in Europe and which would effectively kill yeast in juice.

8. Kohlbach's product was a white milky substance which Home Juice Detroit and later Everfresh received in five gallon blue gerry cans from Europe. The product was very expensive, costing approximately \$650.00 to \$800.00 a gallon. The product came from overseas from a company called IDEA.

9. Kohlbach represented to me, that IDEA was his company. It was always my understanding that the IDEA product was Kohlbach's.

10. Originally I was instructed by my then supervisor, Jeff Jackson, to add Kohlbach's product to the orange juice. Later, I was instructed personally by Kohlbach to add one quart of his product directly into a batch of 10,000 gallons of orange juice.

11. Use of Kohlbach's product extended the shelf life of our orange juice from three weeks to at least six weeks.

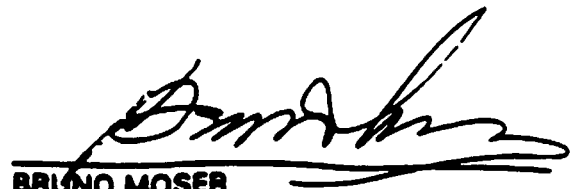
12. Home Juice Detroit and Everfresh used Kohlbach's product from approximately 1980 through approximately 1986 when Labatts purchased Everfresh and we were directed to discontinue its use.

13. Kohlbach's product was imported to our plant as a cleansing compound. I knew that his product was not a cleansing compound, but was a preservative since I was directed by Kohlbach to add it directly into our juice. I also know it was not a cleansing compound since, cleansing compounds used in the cleansing and disinfection of machinery costs approximately \$20.00 a gallon.

I declare under the penalty of perjury that the foregoing statement is true and correct.

EXECUTED:

Dated: October 19 1993


BRUNO MOSER
Witness