

"Double Star Brand Cooking and Table Oil * * * Net Contents One Gallon * * * Packed by F. Rizzo di Cavalcante, Trenton, N.J."

It was alleged in the libels that the article was misbranded in that the statement, "Net Contents One Gallon", was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was incorrect.

On November 2, 1932, the Italian Food Products Corporation of America and F. Rizzo di Cavalcante, Trenton, N.J., having appeared as claimants for respective portions of the property, judgments of condemnation and forfeiture were entered. It was ordered by the court that the product be released to the claimants upon payment of costs and the execution of a bond in the sum of \$400, conditioned that it be relabeled under the supervision of this Department and that it should not be sold or otherwise disposed of in violation of the Federal Food and Drugs Act and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20544. Adulteration and misbranding of butter. U. S. v. 30 Cases of Butter. Product released under bond to be reworked. (F. & D. no. 28966. Sample no. 1200-A.)

This action involved the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On September 6, 1932, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 30 cases of butter, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce, on or about August 29, 1932, by the Western Creamery Co., from Salt Lake City, Utah, to Los Angeles, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Carton) "Meadowbrook Butter."

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent of milk fat had been substituted wholly or in part for butter.

It was further alleged in the libel that the article was misbranded in violation of the general paragraph of section 8 of the act, since it was labeled butter and contained less than 80 percent of milk fat.

On September 30, 1932, the Western Creamery Co., Salt Lake City, Utah, claimant, having admitted the allegations of the libel and having filed a release bond in the sum of \$300, judgment was entered ordering that the product be released to the claimant. On December 20, 1932, the product having been reworked and found in compliance with the law, a final decree was entered ordering that the release be made permanent, that the bond be exonerated, and that claimant pay costs.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20545. Adulteration and misbranding of orange flavoring extract. U. S. v. 1,120 Bottles of Fluidextract of Ginger and 256 Bottles of Orange Flavoring Extract. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 27755. I. S. no. 50327. S. no. 5822.)

This action was brought against a shipment of orange extract, a food; and fluidextract of ginger, a drug. Samples of the orange extract were found to contain between one third and one fourth the quantity of orange oil required for orange extract. The article was labeled, "Alcohol Not over 85%", which was deceptive in view of an alcohol content much lower than 85 percent. Furthermore, the statement of the quantity of the contents, "2 ounces", was not in terms of liquid measure; and the net content was less than 2 ounces by weight and less than 2 ounces by measure. The fluidextract of ginger is covered by notice of judgment no. 20570.

On February 16, 1932, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 1,120 bottles of fluidextract of ginger, and 256 bottles of orange flavoring extract. It was alleged in the libel that the articles had been shipped in interstate commerce, on or about November 6, 1931, by the H. L. Jones Co., from Eldorado, Ark. to St. Louis, Mo., that they