

"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

remained unsold in the original bottles at St. Louis, Mo., and that they were adulterated and misbranded in violation of the Food and Drugs Act.

Adulteration of the orange extract was alleged for the reason that a flavoring extract deficient in orange oil had been substituted in part for the article, and for the further reason that it had been mixed and colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statement on the label, "Pure Orange Flavoring Extract", was false and misleading and deceived and misled the purchaser; for the further reason that the statement, "Alcohol not over 85 percent", was deceptive to the purchaser when applied to a product containing not more than 56.5 percent of alcohol by volume; for the further reason that the article was offered for sale under the distinctive name of another article; and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement of the contents was not expressed in terms of liquid measure. The statement "2 ounces" was an overstatement of the quantity of the contents.

On January 11, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

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

20546. Adulteration of caraway seed. U. S. v. 4 Bags, et al., of Caraway Seed. Default decrees of condemnation and destruction. (F. & D. nos. 28711, 28712. Sample nos. 8668-A, 8670-A.)

These actions involved the interstate shipment of quantities of caraway seed that was found to contain rodent excreta.

On August 18, 1932, the United States attorney for the Western District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 10 bags of caraway seed, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped on or about October 23, 1931, by Catz American Co., from New York City, N. Y., to Pittsburgh, Pa., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On December 19, 1932, no claimant having appeared for the property, judgments of condemnation were entered and it was ordered by the court that the product be destroyed by the United States marshal.

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

20547. Adulteration and misbranding of jams and preserves. U. S. v. East Coast Preserving Co. Plea of nolo contendere. Fine, \$150. (F. & D. no. 28117. I. S. nos. 21026 to 21033, incl.)

This case was based on the interstate shipment of quantities of blackberry, raspberry, cherry, and strawberry jams, and pineapple preserves, which contained less than the proper proportions of fruit, and to which had been added pectin and sugar to give the products the appearance and consistency of normal jams and preserves; also of quantities of apricot preserves and peach preserves, made from fruit from which a portion of the juice had been removed, and for which sugar, pectin, acid, and water had been substituted. The net weight of the contents of the jars was not properly declared as required by law, since it was made in small inconspicuous type, it was declared in ounces, and not in terms of the largest unit, namely, pounds; and in certain cases it was an overstatement of the weight of the contents.

On August 30, 1932, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the East Coast Preserving Co., a corporation, Jacksonville, Fla., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about July 3, 1931, from the State of Florida into the State of South Carolina, of quantities of jams and preserves that were adulterated and misbranded. The articles were labeled in part: (Jars) "Pappy's Blackberry [or "Raspberry", "Cherry", or "Strawberry"] Jam."; or "Pappy's Pineapple [or "Peach" or "Apricot"] Preserves Added Fruit Pectin and Fruit Acid East Coast Preserving Co. Jacksonville, Florida—Net Weight 16 Oz. [or "32 Oz.]."