

ages at New York, N.Y., alleging that the article had been shipped in interstate commerce on or about July 16, 1932, by the Farmers Cooperative Creamery Association, Chester, Iowa, through Chester Creamery Co., Ridgeway, Iowa, into the State of New York, and charging adulteration in violation of the Food and Drugs Act,

It was alleged in the libel that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by act of March 4, 1923.

Joseph J. Herold, New York, N.Y., interposed a claim for the property as agent for the Farmers Creamery Association, Chester, Iowa, admitted the allegations of the libel, consented to the entry of a decree, and agreed that the product be reconditioned so that it contain at least 80 percent of butterfat. On November 29, 1932, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$200, conditioned in part that it be reworked so that it comply with the Federal Food and Drugs Act and all other laws.

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

**20542. Adulteration of canned shrimp. U. S. v. 400 Cases, et al., of Canned Shrimp. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 28326, 28330. Sample nos. 1416-A, 1418-A.)**

These actions involved the interstate shipment of quantities of canned shrimp, samples of which were found to be decomposed.

On May 16, 1932 and May 19, 1932, the United States attorney for the District of Oregon, 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 900 cases of canned shrimp, remaining in the original unbroken packages at Portland, Oreg. It was alleged in the libels that 150 cases of canned shrimp had been shipped from New Orleans, La., and 250 cases from Mobile, Ala., about February 22, 1932; that 500 cases had been shipped from New Orleans, La., on or about March 8, 1932; that all shipments of the article had been made by the Biloxi Canning & Packing Co., of Biloxi, Miss., in interstate commerce into the State of Oregon and that it was adulterated in violation of the Food and Drugs Act. A portion of the article was labeled in part: (Cans) "Biloxi Quality Brand Shrimp. Packed by Biloxi Canning & Packing Company Biloxi, Miss. Dry Pack." The remainder was labeled in part: (Cans) "Three C Brand Shrimp \* \* \* Packed by C. C. Company, Biloxi, Miss."

It was alleged in the libels that the article was adulterated in that it consisted in part of a decomposed animal substance.

On December 22, 1932, the intervenor, the Biloxi Canning & Packing Co., Biloxi, Miss., having withdrawn its answer to the libels, all parties in interest were pronounced in default. Judgments of condemnation and forfeiture 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.*

**20543. Misbranding of cooking and table oil. U. S. v. 80 Cans, et al., of Cooking and Table Oil. Decrees of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. nos. 28856, 28857. Sample nos. 8390-A, 8391-A.)**

These actions involved the interstate shipment of quantities of cooking and table oil, sample cans of which were found to contain less than 1 gallon, the weight declared on the label.

On September 6, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 150 cans of cooking and table oil, remaining in the original unbroken packages at Easton, Pa., alleging that the article had been shipped in interstate commerce in various consignments on or about June 10, August 8, and September 21, 1931, and April 7, 1932, in part by the Italian Food Products Corporation of America, and in part by F. Rizzo di Cavalcante, from Trenton, N.J., to Easton, Pa., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can)

"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