decree, judgment of condemnation 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 good and sufficient bond, conditioned that it be cleaned and should not be sold or disposed of in violation of the Federal Food and Drugs Act and all other laws, nor until inspected by a representative of this Department. It was further ordered that any portion of the said product not approved by this Department be destroyed.

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

20108. Adulteration of dried cherries. U.S. v. 12 Boxes of Dried Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 28430. Sample No. 608-A.)

This action involved the shipment of a quantity of dried cherries, samples of which were found to be in part insect-infested, moldy, dirty, and decomposed.

On June 27, 1932, the United States attorney for the Eastern District of New York, 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 12 boxes of dried cherries, remaining in the original packages at Brooklyn, N.Y., alleging that the article had been shipped in interstate commerce on or about June 1, 1932, by J. Fusco, from San Francisco, Calif., to Brooklyn, N.Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "California Dried Cherries."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, or putrid vegetable substance.

On July 28, 1932, 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.*

20109. Misbranding of cooking and table oil. U.S. v. 46 Cans, et al., of Oil. Decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 28522, 28633. Sample Nos. 14377-A, 14387-A.)

These cases involved the shipment of quantities of cooking and table oil, sample cans of which were found to contain less than 1 gallon, the declared volume.

On or about July 26 and August 9, 1932, the United States attorney for the District of Maryland, 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 65 cans of oil, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped in interstate commerce, in part on or about November 17, 1931, and in part on or about April 23, 1932, by the Italian Food Products Corporation of America, from Trenton, N.J., to Baltimore, Md., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can) "Double Star Brand High Grade 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 on the label, "Net Contents One Gallon," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article 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 quantity stated was not correct.

On August 15, 1932, a claim having been interposed for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant to be shipped to the Italian Food Products Corporation of America, Trenton, N.J., for filling the cans to the declared quantity of contents, under the supervision of this Department, upon payment of costs and the execution of a good and sufficient bond, conditioned that it should not be sold or disposed of in violation of the Food and Drugs Act and all other laws.

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