

'That Butter-Like Taste' Made with Natural Flavoring Oils derived from Butter, Fortified by Oils developed from a Fermented Culture and processed with Certain Fixatives 'to keep the butter-like taste from baking out' Enriches All Baking and Cooking," were false and misleading since they implied that the article was essentially a natural butter flavoring, whereas it was essentially an artificial flavoring with little, if any, natural butter flavoring; (2) in that the statement "Enriches All Baking and Cooking" was false and misleading since the article did not enrich, but artificially flavored food; (3) in that it was an imitation of another food, butter flavor, and its label did not bear, in type of uniform size and prominence, the word "imitation" and immediately thereafter the name of the food imitated; and (4) in that the article was a flavoring sold as such, fabricated from two or more ingredients, and failed to bear the common or usual name of each such ingredient, since diacetyl and/or acetyl methyl carbinol are the common or usual names of flavoring ingredients that were present in the article, and their presence was not declared in the labeling.

On October 29, 1943, Oscar Lucks Co., Seattle, Wash., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling.

**5573. Misbranding of Egg-O-Milk Co.'s Blend. U. S. v. 32 Sacks of Egg-O-Milk Co.'s blend. Default decree of condemnation. Product ordered delivered to a welfare organization for use as animal feed. (F. D. C. No. 9738. Sample No. 27604-F.)**

Analysis showed this product to consist essentially of soybean flour, barley and wheat flour, and a small amount of yellow corn meal.

On or about April 8, 1943, the United States attorney for the Western District of Virginia filed a libel against 32 sacks of an article labeled in part: "Egg-O-Milk Co.'s Blend," alleging that the article had been shipped in interstate commerce on or about December 30, 1942, by the Hood Mills Co., from Baltimore, Md.; and charging that it was misbranded. The article was labeled in part: (Tag) "Egg-O-Milk Co.'s Blend. \* \* \* Egg-O-Milk Co., Manufacturers P. Fred'k Obrecht & Son, Distributors, Baltimore, Md."

The article was alleged to be misbranded in that the name of the product, "Egg-O-Milk Co.'s Blend," was misleading since it was formerly sold under the name "Egg-O-Milk," and the said name represented and suggested that it consisted essentially of egg and milk, whereas it did not consist essentially of egg and milk. It was alleged to be misbranded further in that the statements appearing on the label, "Dried Buttermilk, Dried Skim Milk, Malt Flour (Wheat Malt, Barley Malt, Soy Malt) Powdered Egg-Yolk, Yeast," were false and misleading as applied to a product containing little or no dried buttermilk, dried skim milk, powdered egg yolk, or yeast.

On October 26, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a welfare organization for use as animal feed.

**5574. Misbranding of No-Bak preservative. U. S. v. 10 One-Gallon Jars of "No-Bak." Default decree of condemnation and destruction. (F. D. C. No. 9896. Sample No. 5666-F.)**

Analysis indicated that this product consisted essentially of water, acetic acid, glycerine, salt, sodium bicarbonate, and citric acid. Bacteriological tests were made of the product and it failed to kill any of the test organisms in the recommended dilution.

On May 4, 1943, the United States attorney for the Southern District of Iowa filed a libel against 10 1-gallon jars of an article labeled in part: "NO-Bak," at Shenandoah, Iowa, alleging that the article had been shipped in interstate commerce on or about October 10, 1942, by the California Orange Juice Co., from Cleveland, Ohio.

It was alleged to be misbranded in that the following statements in the labeling, "No-Bak (No Bacteria) A Fine Preservative Kills Yeast Germs and Bacteria Prevents Mold and Spoilage in Beverages, Beer, Fruit Juices, Crushed Fruits, Fresh Fruits and Vegetables. \* \* \* Use only ½ oz. to a Gallon, liquid, beverage, etc., to be preserved. To a 50-Gal. Bbl. Pickles, containing the average 17 Gals. water liquid, use ½ oz. to one gal. or 8½ oz. to bbl.," were false and misleading as applied to an article that had no merit as a preservative.

On July 28, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.