

City, Manti, and Lea, Utah; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On March 10, 1942, Nelson Ricks Creamery Co., claimant for 103 boxes of cheese seized at Pocatello, Idaho, having admitted the allegations of the libel with respect to a portion of said seizure, judgment was entered condemning said portion and ordering that all the product be released under bond for segregation and destruction of the unfit portion under the supervision of the Food and Drug Administration. On November 3 and 4 and December 4, 1941, and March 10, 1942, no claimant having appeared for the remainder of the cheese, judgments were entered ordering that the product be destroyed.

3499. Adulteration of cheese. U. S. v. 95 Cheeses. Consent decree of condemnation. Product ordered released under bond for salvaging. (F. D. C. No. 6691. Sample No. 62386-E.)

Examination showed that this product contained insect fragments.

On January 17, 1942, the United States attorney for the Northern District of Illinois filed a libel against 95 cheeses at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about November 7 and 10, 1941, by Tolibia Cheese Corporation from Fond du Lac, Wis.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and that it had been prepared and held under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Asiago Cheese."

On February 27, 1942, Tolibia Cheese Corporation, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for salvaging under the supervision of the Food and Drug Administration. Subsequently it was denatured.

3500. Adulteration of cheese. U. S. v. 1,665 Molds, 114 Molds, 52 Boxes, and 140 Bushel Baskets of Cheese. Decree of condemnation. Portion of product ordered released under bond to be reconditioned; remainder ordered destroyed. (F. D. C. No. 7113. Sample Nos. 74778-E to 74780-E, incl.)

This product was contaminated with filth, such as insects and larvae, insect fragments, and rodent hairs. Portions also showed evidence of having been gnawed by rodents.

On April 2, 1942, the United States attorney for the Southern District of New York filed a libel against 1,779 molds, 52 boxes, and 140 bushel baskets of cheese at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about February 12, 1942, by Sam Konugres from Trinidad, Colo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On April 25, 1942, Sam Konugres, claimant for the 1,665 molds of cheese, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for elimination of the filthy and rodent-gnawed portions under the supervision of the Food and Drug Administration. On May 21, 1942, no claimant having appeared for the remainder of the cheese, judgment of condemnation was entered and the product was ordered destroyed.

3501. Adulteration of Cheddar cheese. U. S. v. 435 Cases of Cheese. Consent decree of condemnation. Product ordered released under bond to be reprocessed. (F. D. C. No. 7081. Sample No. 71496-E.)

Analysis indicated that the solids of this product contained less than 50 percent of milk fat.

On March 20, 1942, the United States attorney for the Eastern District of Arkansas filed a libel against 435 cases of cheese at Little Rock, Ark., alleging that the article had been shipped in interstate commerce on or about December 22 and 23, 1941, from Tescott, Kans.; and charging that it was adulterated in that a substance deficient in milk fat had been substituted wholly or in part for Cheddar cheese, which it purported to be. The article was labeled in part: "Selected Countryside Cheese * * * 20 Lbs. 8 Oz."

On April 15, 1942, Tescott Cheese Co., Tescott, Kans., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reprocessed under the supervision of the Food and Drug Administration. On May 1, 1942, an order was entered correcting an error in the decree with respect to the identity of the

shipper so as to show that the shipment had been made by the Tescott Cheese Co. from Tescott, Kans.

3502. Adulteration of Velveeta. U. S. v. 353 Bundles, each containing 10 2-pound boxes, of Velveeta. Default decree of condemnation. Product ordered disposed of for hog feed. (F. D. C. No. 6664. Sample No. 81413-E.)

This product contained nondescript dirt and hairs.

On January 12, 1942, the United States attorney for the District of Utah filed a libel against 353 bundles, each containing 10 2-pound boxes of Velveeta at Salt Lake City, Utah, alleging that the article had been shipped in interstate commerce on or about November 19, 1941, by the Kraft Cheese Co. from Pocatello, Idaho; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On March 7, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. On July 25, 1942, a supplemental order was entered amending the original order of destruction to permit disposal of the product for hog feed.

3503. Adulteration and misbranding of process cheese. U. S. v. 12 Bundles and 51 Bundles of Process Cheese. Consolidated decree of condemnation. Product ordered released under bond for reconditioning and relabeling. (F. D. C. Nos. 6974, 6975. Sample Nos. 89056-E, 89057-E.)

This product was found to contain more moisture and less fat than process cheese should contain. Portions were falsely labeled as to the name of the distributor.

On March 5, 1942, the United States attorney for the District of New Jersey filed libels against 63 bundles, each containing 6 5-pound boxes of process cheese at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about January 8 and January 27, 1942, by Sunnette Cheese Corporation from New York, N. Y.; and charging that it was adulterated. It was labeled in part: "Wingdale [or "Elias"] Brand Pasteurized Process Cheese."

The article was alleged to be adulterated (1) in that a valuable constituent, milk fat, had been in whole or in part omitted therefrom; (2) in that a substance containing more moisture and less fat than process cheese had been substituted wholly or in part for process cheese; and (3) in that water had been added thereto or mixed or packed therewith so as to increase its bulk or weight or reduce its quality or strength, or make it appear better or of greater value than it was.

It was alleged to be misbranded in that the statement "Distributed By Jose A. Elias & Hermano New York, N. Y.," borne on some of the boxes in one lot and the statement "Distribuidores Exclusivos Para P. R.: José A. Elias & Hno.," borne on all of the boxes in the other lot were false and misleading since they were incorrect.

On April 13, 1942, Sunnette Cheese Corporation, claimant, having admitted the allegations of the libels and the cases having been consolidated, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked to bring it into compliance with the law. On July 10, 1942, the decree was amended to provide for mixing the product with other cheese and relabeling it under the supervision of the Food and Drug Administration.

CONDENSED MILK

3504. Adulteration and misbranding of condensed milk. U. S. v. 59 Cases, 20 Cases, and 7 Cases of Sweetened Condensed Milk. Consent decree of condemnation. Product ordered released under bond to be brought into compliance with the law. (F. D. C. Nos. 7029, 7030, 7031. Sample No. 23390-E.)

Analysis showed that this product contained less than 8.5 percent of milk fat, the minimum permitted by the standard.

On March 16, 1942, the United States attorney for the Northern District of California filed a libel against 86 cases of condensed milk at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about December 2, 1941, by Whatcom County Dairy Association from Bellingham, Wash.; and charging that it was adulterated and misbranded. It was labeled in part: "Unicorn Brand Sweetened Condensed Milk."

It was alleged to be adulterated in that an article deficient in milk fat had been substituted wholly or in part for sweetened condensed milk, which it purported to be.

It was alleged to be misbranded in that it purported to be a food for which a definition and standard of identity had been prescribed by law and it failed to