

butter at Albany, and 5 cases each containing 30 1-pound rolls of butter at Schenectady, N. Y., and 326 pounds of butter at Allentown, and 303 pounds of butter at Johnstown, Pa., alleging that the article had been shipped in interstate commerce within the period from on or about March 21 to on or about July 2, 1942, by Paul A. Schulze Co. from St. Louis, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance. The article was labeled in part: "Sunshine Valley Brand Butter," or "Clover Springs Brand Butter."

On June 12 and August 3 and 11, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

CHEESE

3699. Misbranding of Swiss cheese. U. S. v. June Dairy Products Co., Inc. Plea of guilty. Fine, \$500. (F. D. C. No. 4174. Sample No. 34217-E.)

This product was domestic Swiss type cheese falsely labeled as "Switzerland" cheese.

On November 25, 1941, the grand jurors of the United States for the District of New Jersey returned an indictment against June Dairy Products Co., Inc., Jersey City, N. J., alleging that on or about September 27, 1940, the defendant, with intent to defraud and mislead, introduced and delivered for introduction into interstate commerce from the State of New Jersey into the State of New York, a quantity of cheese which was misbranded. The word "Switzerland" was multiply stamped on both the top and bottom rinds of the article, which was invoiced as "Fancy Swiss" and was shipped in response to an order for "Switzerland Cheese."

The article was alleged to be misbranded in that the word "Switzerland" multiply stamped on its was false and misleading since it represented that the article consisted of cheese which had been produced in Switzerland; whereas it did not consist of cheese which had been produced in Switzerland. It was alleged to be misbranded further in that cheese not produced in Switzerland but bearing labeling simulating the labeling stamped upon cheese produced in Switzerland had been offered for sale under the name of another food, i. e., "Switzerland Cheese."

On January 12, 1942, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$500.

3700. Misbranding of Swiss cheese. U. S. v. June Dairy Products Co., Inc., Murray B. Weil, and Sidney Koch. Pleas of guilty. Fine of \$500 imposed on corporation and \$1,000 on each of the individual defendants. (F. D. C. No. 4174. Sample Nos. 34218-E, 34912-E.)

This product was domestic Swiss type cheese falsely labeled "Imported Swiss."

On November 25, 1941, the grand jurors of the United States for the District of New Jersey returned an indictment against the June Dairy Products Co., Inc., having places of business at Jersey City and Newark, N. J., and Murray B. Weil and Sidney Koch, alleging that within the period from on or about September 25 to on or about October 5, 1940, the defendants relabeled a quantity of domestic Swiss cheese by stamping on the rind the words "Imported Swiss"; that the said domestic Swiss cheese had been shipped in interstate commerce from Thorp, Wis., on or about September 18, 1940; that the relabeling had been performed while the cheese was held for sale after such shipment in interstate commerce; and that by the act of relabeling the article the defendants did, with intent to defraud and mislead, commit an act, and caused to be committed an act, while the article was held for sale after shipment in interstate commerce, which resulted in its being misbranded as follows: (1) in that the statement "Imported Swiss" stamped on the rind was false and misleading since it represented that the article was imported Swiss cheese, whereas it consisted of domestic Swiss cheese; and (2) in that a domestic Swiss cheese had been offered for sale under the name of another food, namely, "Imported Swiss Cheese."

On January 12, 1942, pleas of guilty were entered on behalf of the defendants and the court imposed a fine of \$500 against the corporation and \$1,000 against each of the individual defendants.

3701. Adulteration and misbranding of Cheddar cheese. U. S. v. Kadane Creamery Co. and Sheffie A. Kadane. Pleas of guilty. Fines, \$100. (F. D. C. No. 6459. Sample No. 49612-E.)

This product was higher in moisture and its solids contained less milk fat than required by the definition and standard of identity for Cheddar cheese.

On May 23, 1942, the United States attorney for the Northern District of Texas filed an information against Kadane Creamery Co., Dallas, Tex., and Sheffie A. Kadane, alleging shipment on or about May 19, 1941, from the State of Texas into the State of Louisiana of a quantity of Cheddar cheese which was adulterated and misbranded. It was labeled in part: "Armour's Cloverbloom American Cheddar Cheese Armour Creameries. Distributors. Genl Office Chicago, Ill."

The article was alleged to be adulterated in that a product containing moisture in excess of 39 percent and the solids of which contained less than 50 percent of milk fat, had been substituted for Cheddar cheese, a product which should contain not more than 39 percent of moisture and the solids of which should contain not less than 50 percent of milk fat.

It was alleged to be misbranded in that it purported to be and was represented as Cheddar cheese, a food for which a definition and standard of identity had been prescribed by regulations, as provided by law, but it failed to conform to such definition and standard.

On July 6, 1942, a plea of guilty having been entered, the court imposed a fine of \$50 against each defendant, totaling \$100.

3702. Adulteration of Limburger cheese. U. S. v. Henry C. Loveland, Fred C. Marty, Edward W. Marty, Edward C. Hefty, Henry H. Elmer, and Anton M. Hefty (Town Hall Cheese Co.). Plea of guilty. Fine, \$25. (F. D. C. No. 5476. Sample No. 31783-E.)

This product contained larvae, adult insects, and fragments of insects.

On November 19, 1941, the United States attorney for the Western District of Wisconsin filed an information against Henry C. Loveland, Fred C. Marty, Edward W. Marty, Edward C. Hefty, Henry H. Elmer, and Anton M. Hefty, copartners trading as Town Hall Cheese Co., Monticello, Wis., alleging that on or about May 31, 1939, the defendants gave to the Badger Brodhead Cheese Co. of Monroe, Wis., a guaranty that all cheese thereafter shipped or delivered by the defendant to that company would be neither adulterated nor misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act; that on or about August 30, 1940, the defendants sold and delivered to the Badger Brodhead Cheese Co. a number of cases of cheese; and that on or about September 19, 1940, the said cheese was introduced into interstate commerce by the purchaser from the State of Wisconsin into the State of Illinois. The information charged further that the defendants had given a guaranty which was false within the meaning of the law since the cheese when sold and delivered by the defendant and introduced into interstate commerce was adulterated in that it consisted in whole or in part of a filthy substance and in that it had been prepared, packed, or held under insanitary conditions whereby it might have become contaminated with filth.

On March 20, 1942, a plea of guilty having been entered on behalf of the defendants, the court imposed a fine of \$25.

3703. Adulteration of Cheddar cheese. U. S. v. 225 Boxes of Cheddar Cheese. Decree of condemnation. Product ordered released under bond for use as hog feed. (F. D. C. No. 6853. Sample No. 79169-E.)

On February 11, 1942, the United States attorney for the Middle District of Tennessee filed a libel against 225 75-pound boxes of cheese at Nashville, Tenn., alleging that the article had been shipped in interstate commerce on or about January 17, 1942, by Alabama Dairy Products, Inc., from Decatur, Ala.; and charging that it was adulterated (1) in that it consisted in whole or in part of a filthy substance and was otherwise unfit for food; and (2) in that it had been prepared, packed, or held under insanitary conditions whereby it might have been contaminated with filth.

On April 10, 1942, Alabama Dairy Products, Inc., claimant, having petitioned for release of the product, judgment of condemnation was entered and the product was ordered released under bond for use as hog feed under the supervision of the State Chemist and State Dairy Commissioner of Tennessee.

3704. Adulteration of Cheddar cheese. U. S. v. 99 Cases of Cheese. Default decree of condemnation and destruction. (F. D. C. No. 6852. Sample No. 83701-E.)

This product contained rodent hairs and insect fragments.

On February 11, 1942, the United States attorney for the Eastern District of Louisiana filed a libel against 99 cases of cheese at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about January