

a filthy substance, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

On January 8, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered sold and the fats salvaged for industrial purposes.

4586. Adulteration of Cheddar cheese. U. S. v. 29 Cheddar Cheeses. Default decree of condemnation and destruction. (F. D. C. No. 8549. Sample No. 7285-F.)

On October 7, 1942, the United States attorney for the Western District of Wisconsin filed a libel against 29 Cheddar cheeses at Fennimore, Wis., alleging that the article had been shipped in interstate commerce on or about September 29, 1942, by the Hazleton Cheese Co. from Hazleton, Iowa; 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 17, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4587. Adulteration of cheese. U. S. v. 168 Cheeses. Default decree of condemnation. Product ordered sold for nonfood purposes. (F. D. C. No. 7983. Sample No. 2011-F.)

On August 5, 1942, the United States attorney for the Northern District of Illinois filed a libel against 168 cheeses, each weighing approximately 75 pounds, at Freeport, Ill., alleging that the article had been shipped in interstate commerce on or about June 2, 1942, from Washington, Iowa, by the Beatrice Creamery Co.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On January 19, 1943, the Beatrice Creamery Co. having appeared as claimant but having failed to answer or proceed further, a default decree of condemnation was entered and the product was ordered sold at the best price obtainable on condition that the purchaser restrict the use of the oils, fats, or greases therein contained to nonfood purposes.

4588. Adulteration of grated cheese. U. S. v. 80 Cases of Grated Cheese. Default decree of condemnation. Product ordered delivered to a soap factory to be salvaged. (F. D. C. No. 7925. Sample No. 22402-F.)

On July 15, 1942, the United States attorney for the District of New Jersey filed a libel against 80 cases, each containing 24 bottles, of grated cheese at Camden, N. J., alleging that the article had been shipped in interstate commerce on or about June 3 and 4, 1942, by M. Wildstein & Sons, Inc., from Philadelphia, Pa.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance. The article was labeled in part: (Bottles) "New Yorker Brand Italian Style Grated Cheese * * * Packed By New Yorker Cheese Co. Phila. Pa."

On January 8, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a soap factory for salvaging the fats on condition that they not be used for human consumption.

4589. Adulteration of goat-milk cheese. U. S. v. 17 Unlabeled Goat-Milk Cheeses. Default decree of condemnation and destruction. (F. D. C. No. 8934. Sample No. 15811-F.)

On December 3, 1942, the United States attorney for the District of New Jersey filed a libel against 17 20-pound goat-milk cheeses at Passaic, N. J., alleging that the article had been shipped in interstate commerce on or about November 10, 1942, by Joe Sinatra from Aguilar, Colo., 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 February 11, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4590. Adulteration of process cheese and adulteration and misbranding of Colby cheese. U. S. v. 121 Boxes of Cheese (and 2 additional seizure actions against cheese). Decrees of condemnation. One lot ordered destroyed, remainder ordered released under bond for reprocessing. (F. D. C. Nos. 8158, 8990, 9118. Sample Nos. 4472-F, 4473-F, 12814-F, 31854-F.)

The process cheese contained hairs resembling those of rodents, and the Colby cheese contained excessive moisture and one lot was deficient in milk fat.

Between August 17, 1942, and January 5, 1943, the United States attorneys for the Southern District of California and the Southern District of Ohio filed libels against 121 5-pound boxes of process cheese at Fresno, Calif., 15 cases, each containing 2 cheeses, and 50 cases, each containing 4 cheeses, and 11 tubs, each containing 4 cheeses, at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce within the period from on or about July 23 to December 14, 1942, by Swift & Co. from Portland, Oreg., and Marion, Ind. The article was labeled in part: "Swift Brookfield American Pasteurized Processed Cheese," or "Brookfield Brand Colby Cheese."

The process cheese was alleged to be adulterated in that it consisted wholly 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.

The Colby cheese was alleged to be adulterated in that a substance containing excessive moisture, a portion of which was deficient in milk fat, had been substituted wholly or in part for Colby cheese which it purported and was represented to be.

The Colby cheese 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 regulations provided by law but failed to conform to such definition and standard, since it contained more than 40 percent of moisture and the solids in one of the lots contained less than 50 percent of milk fat.

On October 26, 1942, no claimant having appeared for the process cheese, judgment of condemnation was entered and the product was ordered destroyed. On February 17, 1943, Swift & Co., having appeared as claimant for the Colby cheese, judgments of condemnation were entered and the product was ordered released under bond for blending with other cheese and its manufacture into process cheese under the supervision of the Food and Drug Administration.

4591. Adulteration of Swiss cheese. U. S. v. 4 Wheels of Swiss Cheese. Default decree of condemnation and destruction. (F. D. C. No. 8444. Sample No. 2211-F.)

This product contained milk fat ranging from 40.41 percent to 42.21 percent on a dry basis. Swiss cheese should contain not less than 45 percent milk fat on a dry basis.

On September 30, 1942, the United States attorney for the Western District of Wisconsin filed a libel against 4 wheels of Swiss cheese at Monroe, Wis., alleging that the article had been shipped in interstate commerce on or about August 18, 1942, by the Hillsdale Cheese Co. from McConnell, Ill.; and charging that it was adulterated in that a valuable constituent, milk fat, had been in part omitted, and in that a substance containing less milk fat than Swiss cheese should contain had been substituted for the article.

On March 16, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

MISCELLANEOUS DAIRY PRODUCTS

4592. Adulteration of cream. U. S. v. 12, 3, and 5 10-Gallon Cans of Cream. Consent decrees of condemnation. Product ordered disposed of for technical war purposes. (F. D. C. Nos. 9289, 9290, 9296. Sample Nos. 15247-F, 15248-F, 15250-F, 15252-F, 15253-F, 15958-F, 16101-F, 16102-F, 16105-F, 16106-F, 16110-F, 16111-F, 16113-F.)

On January 5 and 8, 1943, the United States attorney for the District of Colorado filed three libels against a total of 20 10-gallon cans of cream at Denver, Colo., alleging that the article had been shipped in interstate commerce within the period from on or about December 30, 1942, to January 5, 1943, in various shipments by M. Nielsen from Grant, Nebr., S. B. Baker from Wallace, Nebr., A. Mickish from Culbertson, Nebr., Bessie Knight from Benkelman, Nebr., E. J. Meehan from Sidney, Nebr., Emil Cords from Potter, Nebr., M. Harris from Ogallala, Nebr., Hansie Johnson from Champion, Nebr., Rose Bowker from Big Springs, Nebr., Mildred Thompson from Bayard, Nebr., and Harold Hobson from Wheatland, Wyo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On January 5 and 8, 1943, the consignee having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered destroyed. On January 13, 1943, the court entered an amended decree ordering that the product be turned over to the consignee to be churned, the butterfat returned to the marshal