

All lots were alleged to be misbranded in that the following statements in their respective labelings were false and misleading: (Lynn) "Pure Parmesan Grated Cheese"; (West Haven) "Grated Cheese," and "15% added Milk Solids"; (Philadelphia, 44 containers) "Grated Cheese"; (Philadelphia, 115 dozen canisters) "Grated Cheese," "15% Added Milk Solids," or "An All Cheese Product"; and (Washington) "Grated * * * Cheese * * * An All Cheese Product," or "Grated Cheese * * * 15% added Milk Solids." Misbranding was alleged further with respect to the lots at Lynn and Washington and the lot of 115 dozen canisters at Philadelphia in that they were fabricated from two or more ingredients and their labels failed to bear the common or usual name of each such ingredient.

Between November 22, 1943, and May 12, 1944, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

5674. Misbranding of Limburger cheese. U. S. v. 5 Cases of Limburger Cheese. Default decree of condemnation. Product ordered sold. (F. D. C. No. 11185. Sample No. 62488-F.)

The labels of this product failed to bear a statement of the quantity of the contents.

On November 24, 1943, the United States attorney for the Eastern District of Missouri filed a libel against 5 cases, each containing about 60 packages, of Limburger cheese at St. Louis, Mo., alleging that the article had been shipped in interstate commerce by the Arn & Zweifel Co. from Monticello, Wis., on or about November 1, 1943; and charging that it was misbranded in that it was a food in package form and failed to bear a label containing an accurate statement of the quantity of the contents. The article was labeled in part: (Wrapper on individual cheese) "Empire Brand Limburger Cheese The Very Best A. C. L. Haase Co. St. Louis, Mo. Distributors."

On December 23, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered sold to the person or corporation who offered the highest bid therefor and would adopt such safeguards as might be directed by the Federal Security Agency against the use of the product in violation of the law.

MILK

5675. Adulteration of evaporated milk. U. S. v. 1,250 Cases of Evaporated Milk. Consent decree of condemnation. Product ordered released under bond for segregation and destruction or denaturing of unfit portion. (F. D. C. No. 10443. Sample No. 44323-F.)

On August 23, 1943, the United States attorney for the District of New Jersey filed a libel against 1,250 cases, each containing 48 cans, of evaporated milk at Weehawken, N. J., alleging that the article had been shipped on or about June 4, 1943, from Lockport, N. Y., by FSOC—Lerch Coop. Cold Storage; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Borden's Irradiated Evaporated Milk * * * The Borden Company New York, N. Y."

On January 29, 1944, the New York Central Railroad Company, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation and destruction or denaturing of the unfit portion.

5676. Adulteration of whole milk powder. U. S. v. 6 Barrels of Dried Whole Milk Powder. Default decree of condemnation and destruction. (F. D. C. No. 11082. Sample No. 56415-F.)

This product had been stored under insanitary conditions after shipment in interstate commerce. The barrels had been attacked by rats and rat excreta was found on and around the barrels.

On November 9, 1943, the United States attorney for the Southern District of New York filed a libel against 6 barrels of dried whole milk powder at Port Chester, N. Y., alleging that the article, which was in the possession of the Brick Oven Bake Shop, had been shipped on or about August 7, 1943, from Thorp, Wis.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance because of the presence of rodent hairs, rodent excreta, and insect fragments, and in that the article had been held under insanitary conditions whereby it might have become contaminated with filth.

On November 23, 1944, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. On January 5, 1944, an amended decree was entered providing for delivery of the product to a Federal institution for use as feed for hogs.