

Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

When examined in the storage room, many of the bags were rodent-gnawed and contained rodent excreta and rodent hairs.

**DISPOSITION:** December 13, 1943. The claimant, H. H. Pike & Co., Inc., admitted the allegations of the libel. A consent decree of condemnation was entered and the product was ordered released under bond for remanufacturing or re-refining under the supervision of the Food and Drug Administration.

## DAIRY PRODUCTS

### BUTTER

The following cases report actions involving butter that was adulterated in that it consisted in whole or in part of a decomposed substance as evidenced by mold, Nos. 5841 to 5843; it was below the standard for milk fat content, Nos. 5844 to 5855; and it was misbranded in that it was short-weight, Nos. 5855 and 5856.

**5841. Adulteration of butter. U. S. v. 29 Cartons of Butter. Default decree of condemnation and destruction.** (F. D. C. No. 11484. Sample No. 51756-F.)

**LIBEL FILED:** December 22, 1943, District of Massachusetts.

**ALLEGED SHIPMENT:** On or about October 4 and 5, 1943, by L. D. Schreiber & Co., Galewood and Chicago, Ill.

**PRODUCT:** 29 cartons, each containing 32 1-pound prints, of butter at Boston Mass. It was contaminated with green mold.

**LABEL, IN PART:** (Wrapper on prints) "Hillside Farm (Unsalted) Creamery Butter."

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

**DISPOSITION:** January 31, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. Destruction was effected by delivery of the butter to a soap company for rendering purposes.

**5842. Adulteration of butter. U. S. v. 3 Cases of Butter. Default decree of condemnation and destruction.** (F. D. C. No. 10896. Sample No. 53324-F.)

**LIBEL FILED:** September 15, 1943, Eastern District of Virginia.

**ALLEGED SHIPMENT:** On or about August 16, 1943, by the Potomac Creamery Co., Inc., Hagerstown, Md.

**PRODUCT:** 3 32-pound cases of butter at Quantico, Va.

**LABEL, IN PART:** "Potomac Brand Selected Creamery Butter."

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

This product contained mold.

**DISPOSITION:** January 6, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. It was salvaged for industrial use.

**5843. Adulteration of butter. U. S. v. 2 Cases and 25 Cases of Butter. Decrees of condemnation. Part of product ordered released under bond to be reworked into a neutral oil; remainder ordered sold to a soap company.** (F. D. C. Nos. 11268, 11270. Sample Nos. 28075-F, 35234-F.)

**LIBELS FILED:** November 24, 1943, Southern District of Florida, and November 20, 1943, Northern District of Georgia.

**ALLEGED SHIPMENT:** On or about November 5 and 15, 1943, from Nashville, Tenn., by the Cudahy Packing Co.

**PRODUCT:** 2 cases, each containing 32 pounds, of butter at Tampa, Fla., and 25 cases, each containing 32 pounds, of butter at Atlanta, Ga.

**LABEL, IN PART:** "Cudahy Sunlight Creamery Butter Country Roll Style," and "Valley Farm Brand Creamery Butter."

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy or decomposed substance by reason of the presence of mold.

**DISPOSITION:** December 21, 1943. The Cudahy Packing Co. appeared as claimant for the 25 cases in Georgia and, having admitted the allegations of the libel, a consent decree of condemnation was entered. The product was ordered released under bond to be reworked into neutral oil. No claimant having appeared for the 2 cases at Florida, a default decree of condemnation and destruction was entered December 22, 1944. An amended decree was entered January 26, 1944, authorizing the sale of the product to be used for soap making.

**5844. Adulteration of butter. U. S. v. Bowman Dairy Co. Plea of nolo contendere. Fine, \$200.** (F. D. C. No. 8824. Sample Nos. 10768-F, 10775-F, 10778-F.)

**INFORMATION FILED:** July 14, 1943, Eastern District of Wisconsin, against, the Bowman Dairy Co., a corporation, Nichols, Wis.

**ALLEGED SHIPMENT:** On or about April 28 and May 6, 1942, from the State of Wisconsin into the State of Illinois.

**VIOLATIONS CHARGED:** Adulteration, Section 402 (b) (1), a valuable constituent, milk fat, had been in part omitted; and, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

**DISPOSITION:** January 6, 1944. The defendant having entered a plea of nolo contendere, the court imposed a fine of \$100 on each count, a total of \$200.

**5845. Adulteration of butter. U. S. v. 10 Cartons of Butter. Consent decree of condemnation. Product ordered released under bond for reworking.** (F. D. C. No. 11477. Sample No. 8629-F.)

**LIBEL FILED:** December 11, 1943, Southern District of New York.

**ALLEGED SHIPMENT:** On or about November 24, 1943, by the Gwinner Cooperative Creamery, Gwinner, N. Dak.

**PRODUCT:** 10 cartons, each containing approximately 65 pounds, of butter at New York, N. Y.

**VIOLATION CHARGED:** Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

**DISPOSITION:** December 24, 1943. The Gwinner Cooperative Creamery appeared by agent and admitted the allegations of the libel. A consent decree of condemnation was entered and the product was ordered released under bond for reworking, under the supervision of the Food and Drug Administration.

**5846. Adulteration of butter. U. S. v. 300 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond for reworking.** (F. D. C. No. 11114. Sample Nos. 56337-F, 56682-F.)

**LIBEL FILED:** October 27, 1943, Southern District of New York.

**ALLEGED SHIPMENT:** On or about October 10, 1943, by the Godsey Creamery, Bristol, Tenn.

**PRODUCT:** 300 tubs of butter, each containing 63 pounds, at New York, N. Y.

**VIOLATION CHARGED:** Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

**DISPOSITION:** November 22, 1943. Claimant, the Godsey Creamery; consent decree of condemnation. Product ordered released under bond, conditioned that it be reworked and reprocessed, under the supervision of the Food and Drug Administration.

**5847. Adulteration of butter. U. S. v. 274 Cartons of Butter. Consent decree of condemnation. Product ordered released under bond for reworking.** (F. D. C. No. 11936. Sample Nos. 76016-F, 76144-F.)

**LIBEL FILED:** On or about February 18, 1944, Southern District of New York.

**ALLEGED SHIPMENT:** On or about February 3, 1944, by the Farmers Cooperative Creamery Co., Greeley, Iowa.

**PRODUCT:** 274 cartons, each containing approximately 60 pounds, of butter at New York, N. Y.

**LABEL, IN PART:** "Unsalted Butter William Menzer, Inc. \* \* \* Distributor New York."

**VIOLATION CHARGED:** Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

**DISPOSITION:** March 2, 1944. William Menzer, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the