

guilty. The court imposed a fine of \$500 on each of 2 counts, a total fine of \$1,000.

**8369. Adulteration of cheese spread. U. S. v. 5 Cartons and 3 Cartons of Cheese Spread (and 2 other seizure actions against cheese spread). One lot condemned and ordered destroyed; remaining lots ordered disposed of for animal feed, or destroyed.** (F. D. C. Nos. 14841, 14949, 14950. Sample Nos. 78967-F, 97709-F to 97711-F, incl.)

**LIBELS FILED:** On or about January 5 and 8, 1945, District of Minnesota and Northern District of Illinois; amended libel filed January 12, 1945, District of Minnesota, to include shipment of additional lot.

**ALLEGED SHIPMENT:** Between the approximate dates of November 3 and 28, 1944, by the Spring Green Creamery and Cheese Industry, Inc., from Spring Green, Wis.

**PRODUCT:** 11 cartons, each containing 100 7-ounce packages, of cheese spread at Minneapolis, Minn., and 1,180 7-ounce packages of cheese spread at Chicago, Ill.

**LABEL, IN PART:** "Prins Hendrik Cheese Spread."

**VIOLATIONS CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments, rodent hair fragments, and manure fragments; and (portion), Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

**DISPOSITION:** February 28 and March 10, 1945. No claimant having appeared for the product, judgments were entered ordering that the Chicago lot be condemned and destroyed, and that the remaining lots be disposed of as animal feed, or destroyed.

**8370. Adulteration of Kronost or Bondost cheese. U. S. v. 40 Boxes of Cheese. Default decree of condemnation and destruction.** (F. D. C. No. 15006. Sample No. 78968-F.)

**LIBEL FILED:** On or about January 31, 1945, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about November 27, 1944, by C. E. Zuercher, from Chicago, Ill., to Spring Green, Wis. The shipment was stopped at Richland, Wis., and returned to Chicago, Ill.

**PRODUCT:** 40 boxes containing a total of 3,800 pounds of Kronost or Bondost cheese in 1½-pound pieces, at Chicago, Ill.

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

**DISPOSITION:** March 13, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**8371. Adulteration of Italian type cheese. U. S. v. 400 Cases of Cheese. Default decree of condemnation. Product ordered delivered to a public institution.** (F. D. C. No. 14382. Sample No. 34939-F.)

**LIBEL FILED:** November 15, 1944, Northern District of Florida.

**ALLEGED SHIPMENT:** On or about October 5, 1944, by the Hygrade Food Products Corporation, from New York, N. Y.

**PRODUCT:** 400 cases, each containing 6 5-pound loaves, of cheese at Quincy, Fla.

**LABEL, IN PART:** "Shelby Brand Provolone Type Process Loaf Distributed by Dunlevy-Franklin Corporation—Pittsburgh, Pa."

**VIOLATIONS CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments, cat hair fragments, wood splinters, and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

**DISPOSITION:** February 26, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution, for use as animal feed.

**8372. Adulteration of grated, Italian type cheese. U. S. v. 49 Cartons of Grated Cheese. Default decree of condemnation and destruction.** (F. D. C. No. 12089. Sample Nos. 60542-F to 60545-F, incl.)

**LIBEL FILED:** March 27, 1944, Northern District of California.

**ALLEGED SHIPMENT:** On or about February 2, 1944, by the Ehrat Cheese Co., from Chicago, Ill.

**PRODUCT:** 49 cartons, each containing 12 shaker-top cartons, of grated cheese at Oakland, Calif.

**LABEL, IN PART:** "Riviera Brand Grated Parmesan Cheese Prepared with Parmesan," and "Circle E Sharp Tasty Grated Italian Style Cheese."

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of mites and rodent hair fragments.

**DISPOSITION:** April 13, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**8373. Misbranding of grated, Italian type cheese. U. S. v. 7 Cases of Grated Cheese. Default decree of condemnation and destruction. (F. D. C. No. 14188. Sample No. 73539-F.)**

**LABEL FILED:** November 8, 1944, Northern District of California.

**ALLEGED SHIPMENT:** On or about December 14, 1943, by the Italian Importing Corp., from Brooklyn, N. Y.

**PRODUCT:** 7 cases, each containing 10 packages of 12 cans each, of grated cheese at San Francisco, Calif.

**LABEL, IN PART:** "ICCO Brand Grated Argentine Parmesan Type Cheese."

**VIOLATION CHARGED:** Misbranding, Section 403 (d), the container of the product was so filled as to be misleading, since the cheese occupied an average of about 63.2 percent of the capacity of the can.

**DISPOSITION:** April 25, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

#### MILK

**8374. Adulteration of evaporated milk. U. S. v. The Borden Co. Plea of nolo contendere. Fine, \$250. (F. D. C. No. 12555. Sample No. 58329-F.)**

**INFORMATION FILED:** September 5, 1944, District of Arizona, against the Borden Co., a corporation, Tempe, Ariz.

**ALLEGED SHIPMENT:** On or about September 20, 1943, from the State of Arizona into the State of New Mexico.

**LABEL, IN PART:** "Borden's \* \* \* Evaporated Milk."

**VIOLATIONS CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments, manure-like fibers, a hair resembling cattle hair, a hair resembling rodent or cat hair, and a feather part; and, Section 402 (a) (4), it had been prepared, packed, and held under insanitary conditions whereby it might have become contaminated with filth.

**DISPOSITION:** December 12, 1944. A plea of nolo contendere having been entered on behalf of the defendant, a fine of \$250 was imposed.

**8375. Adulteration of dried skim milk. U. S. v. 32 Bags of Skim Milk. Default decree of condemnation and destruction. (F. D. C. No. 14998. Sample No. 54664-F.)**

**LABEL FILED:** On or about January 26, 1945, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about June 17, 1944, by the Dairyland Milk Corp., from Oelwein, Iowa.

**PRODUCT:** 32 100-pound bags of dried skim milk at Chicago, Ill.

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and rodent hair fragments.

**DISPOSITION:** March 10, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**8376. Misbranding of skim milk powder. U. S. v. 25 Drums of Skim Milk Powder. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 15059. Sample No. 90274-F.)**

**LABEL FILED:** January 16, 1945, Eastern District of Illinois.

**ALLEGED SHIPMENT:** On or about December 5, 1944, by the Pevely Dairy Co., from St. Louis, Mo.

**PRODUCT:** 25 drums, each containing approximately 70 pounds, of skim milk powder at East St. Louis, Ill.