

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been stored under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 6, 1945. Dixie Confections, Inc., claimant, having admitted the material allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency.

DAIRY PRODUCTS*

BUTTER

The following cases report actions involving butter that was adulterated in that it consisted in whole or in part of a filthy or decomposed substance, or both, Nos. 10107 to 10113; that was below the standard for milk fat content, Nos. 10113 to 10115; and that was short of the declared weight, No. 10116.

10107. Action to restrain the interstate shipment of adulterated butter. U. S. v. Steve Owens (The Wellington Creamery Co.) and The T. & O. Sales Co. Injunction granted. (Inj. No. 104.)

COMPLAINT FILED: August 18, 1945, Northern District of Texas, against Steve Owens, doing business as the Wellington Creamery Co., at Wellington, Tex., and the T. & O. Sales Co., a partnership, Amarillo, Tex., of which Steve Owens was a member. The complaint alleged that the defendants had been shipping in interstate commerce since August 19, 1944, butter which was contaminated with flies, beetles, rodent filth, dust, and dirt. It was alleged also that an inspection of the Wellington Creamery Co. on August 19, 1944, disclosed that a live rat was nesting under a stack of butter cartons; that a number of dead flies were on the folds at the top of two partly used sacks of sugar; that numerous dead flies and rat tracks were visible in dried cream which had been spilled on the floor of the testing room; that the butter-making equipment and piping were extremely dirty; that cockroaches were at various points throughout the plant; and that the cream used in preparation of the butter contained manure and other ingredients.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), the article had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

PRAYER OF COMPLAINT: That a preliminary injunction issue restraining the defendants from the commission of the acts complained of, and that, after hearing, the preliminary injunction be made permanent.

DISPOSITION: On August 28, 1945, after hearing the evidence and arguments of the parties, the court granted a preliminary injunction enjoining the defendants during the pendency of the action from shipping adulterated butter in interstate commerce. On October 16, 1945, on default of the defendant, the preliminary injunction was made permanent.

10108. Adulteration of butter. U. S. v. 34 Cubes (2,040 pounds) of Butter. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 17388. Sample No. 26163-H.)

LIBEL FILED: August 25, 1945, Southern District of California.

ALLEGED SHIPMENT: On or about August 4, 1945, by the Hallren Poultry and Creamery Co., from Fairview, Okla.

PRODUCT: 34 60-pound cubes of butter at Los Angeles, Calif. Analysis showed the product to be contaminated with filth in the form of insect fragments, rodent hairs, human hairs, and feather barbules. Inspection of the manufacturing plant revealed that filthy cream was used in making the butter, and that the butter was prepared under insanitary conditions.

LABEL, IN PART: "Creamery Butter * * * Hallren Poultry and Creamery Co. Fairview, Okla."

*See also No. 10191.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy animal substance; and, Section 402 (a) (4), it had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 7, 1945. The Hallren Poultry and Creamery Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be disposed of for purposes other than for human consumption, under the supervision of the Food and Drug Administration.

10109. Adulteration of butter. U. S. v. 13 Boxes (910 pounds) of Butter. Default decree of condemnation and destruction. (F. D. C. No. 17374. Sample Nos. 26156-H, 30702-H.)

LIBEL FILED: August 4, 1945, Northern District of California.

ALLEGED SHIPMENT: On or about July 17, 1945, by the Railways Ice Co., from Clovis, N. Mex.

PRODUCT: 13 70-pound boxes of butter at San Francisco, Calif. This product contained insect fragments, rodent hair fragments, rodent-like hairs, and feather barbules.

LABEL, IN PART: "Cream-O-Plains Butter Made by Hereford Creamery Co."

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DISPOSITION: August 27, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10110. Adulteration of butter. U. S. v. 3 Cubes (210 pounds) of Butter. Default decree of condemnation. Product ordered sold. (F. D. C. No. 17387. Sample No. 26167-H.)

LIBEL FILED: August 25, 1945, Southern District of California.

ALLEGED SHIPMENT: On or about August 7, 1945, by the Shattuck Creamery, from Shattuck, Okla.

PRODUCT: Three cubes, each containing approximately 70 pounds, of butter at Los Angeles, Calif. Analysis showed the product to be contaminated with filth in the form of insects, insect fragments, and feather barbules. Factory inspection revealed that dirty cream was used in the manufacture of the product, and that the premises were insanitary.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy or decomposed animal substance; and, Section 402 (a) (4), it was prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 21, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold for use in the manufacture of soap.

10111. Adulteration of butter. U. S. v. 25 Cases of Butter. Default decree of condemnation. Product ordered delivered to the War Production Board for salvage purposes. (F. D. C. Nos. 17355, 17369. Sample Nos. 32210-H, 32211-H.)

LIBEL FILED: July 19, 1945, District of Arizona.

ALLEGED SHIPMENT: On or about July 3, 1945, by Swisher Creamery, Inc., from Tulia, Tex.

PRODUCT: 25 cases, each containing 32 1-pound prints, of butter at Tucson, Ariz. Analysis showed that the product contained rodent hairs and insect parts.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 26, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to the War Production Board to be salvaged as nonedible waste fat.