

PRODUCT: 21 cases, each containing 24 1-pound jars, of chocolate sirup at Mc-Kees Rocks, Pa. Examination showed that the product was moldy.

LABEL, IN PART: "Alexander The Great Chocolate Flavored Syrup".

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: October 19, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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. 10264 to 10266; that was below the standard for milk fat content, Nos. 10261 to 10265; and that was short of the declared weight, Nos. 10264 and 10267.

10261. Adulteration of butter. U. S. v. Oliver Gordon Harp (O. G. Harp Poultry & Egg Co.). Pleas of nolo contendere to certain counts and not guilty to remaining counts. Tried to the court. Defendant found guilty on all but 1 count. Fine, \$150. (F. D. C. No. 17845. Sample Nos. 90178-F, 90179-F, 90181-F, 5698-H to 5700-H, incl., 7048-H, 7060-H, 7061-H, 7074-H.)

INFORMATION FILED: April 17, 1946, Western District of Oklahoma, against Oliver Gordon Harp, trading as the O. G. Harp Poultry & Egg Co., Shawnee, Okla.

ALLEGED SHIPMENT: On or about July 26 and August 14 and 16, 1944, from Oklahoma to Arkansas; and on or about Feb. 1, 8, and 17 and March 3, 1945, from Oklahoma to New York.

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, milk fat, had been in part omitted or abstracted from the product; and, Section 402 (b) (2), a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: April 17, 1946. The defendant entered a plea of nolo contendere to the first 4 counts of the information and not guilty to the last 3 counts. The counts to which the defendant pleaded not guilty were tried to the court. The judgment of the court was that the defendant was guilty on all counts to which he had pleaded nolo contendere and on 2 of the counts to which he had pleaded not guilty. A fine of \$150 was imposed.

10262. Adulteration of butter. U. S. v. Arthur H. Dannheim and Donald A. Dannheim (New Ulm Dairy). Pleas of guilty. Fine, \$100. (F. D. C. No. 16621. Sample Nos. 5666-H, 7059-H, 18849-H.)

INFORMATION FILED: January 15, 1946, District of Minnesota, against Arthur H. Dannheim and Donald A. Dannheim, trading as the New Ulm Dairy, a partnership, New Ulm, Minn.

ALLEGED SHIPMENT: On or about February 17 and May 4, 1945, from the State of Minnesota into the State of New York.

LABEL, IN PART: "Butter Distributed by F. F. Lowenfels & Son New York."

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

DISPOSITION: January 15, 1946. A plea of guilty having been entered, a single general fine of \$100 was imposed against both of the defendants and the partnership.

10263. Adulteration of butter. U. S. v. Schlosser Brothers, Inc. Plea of guilty. Fine, \$300. (F. D. C. No. 16585. Sample Nos. 68023-F, 20119-H, 20120-H, 27321-H, 27322-H.)

INFORMATION FILED: July 16, 1946, Southern District of Indiana, against Schlosser Brothers, Inc., Indianapolis, Ind.

ALLEGED SHIPMENT: On or about May 24, September 28, and October 10, 1944, from the State of Indiana into the States of Ohio and Missouri.

LABEL, IN PART: "Silverbrook Creamery Butter * * * The Great Atlantic & Pacific Tea Co. New York, N. Y., Packers," or "Creamery Butter Distributed by Schlosser Bros."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, milk fat, had been in part omitted from the product; and, Section 402 (b) (2), a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: August 16, 1946. A plea of guilty having been entered on behalf of the defendant, a fine of \$300 was imposed.

10264. Adulteration and misbranding of butter. U. S. v. 35 Cases of Butter (and 10 other seizure actions against butter). Decrees of condemnation. Portion of product ordered sold for salvage; remainder ordered released under bond. (F. D. C. Nos. 17365, 17383, 18310, 18315, 18451, 21060, 21063, 21064, 21074, 21077, 21270. Sample Nos. 1479-H, 1480-H, 14014-H, 14016-H, 22988-H, 23113-H, 24814-H, 42638-H, 49064-H, 49225-H, 49279-H, 53288-H, 53289-H.)

LIBELS FILED: Between the dates of July 28, 1945, and September 3, 1946, Western District of Tennessee, Eastern District of Missouri, Eastern District of Louisiana, Southern District of West Virginia, Eastern District of Kentucky, and the Northern District of Georgia.

ALLEGED SHIPMENT: Between the approximate dates of July 3, 1945, and August 19, 1946, by the Sugar Creek Creamery Co., from St. Louis, Mo., Evansville, Ill., Russellville, Ark., Louisville, Ky., and Knoxville, Tenn.

PRODUCT: Butter. 35 16-pound cartons at Memphis, Tenn.; 700 62-pound cartons at St. Louis, Mo.; 179 32-pound cartons at New Orleans, La.; 100½ 32-pound cartons at Huntington and Charleston, W. Va.; 23 32-pound cartons at Middlesboro, Ky.; and 4 32-pound cartons at Atlanta, Ga. Examination showed that the product contained mold. The butter in the 16-pound cartons was short-weight.

LABEL, IN PART: "Weona Farms Creamery Butter * * * One Pound Net. Packed for Weona Food Stores, Inc., Memphis, Tenn."; "Velva Brand Creamery Butter Distributed by H. G. Hill Stores, New Orleans, La."; "Country Roll [or "Clear Brook"] Creamery Butter * * * Distributor Wilson & Co. * * * Chicago, Ill."; and "Sugar Creek Butter," or "Cudahy's Sunlight Creamery Butter * * * The Cudahy Packing Co. Distributors * * * Chicago, Ill."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy or decomposed animal substance.

Further adulteration, Section 402 (b) (2), (700 62-pound cartons) a product containing less than 80 percent by weight of milk fat had been substituted for butter.

Misbranding, Section 403 (a), (35 1-pound cartons) the label statement "One Pound Net" was false and misleading; and, Section 403 (e) (2), the product failed to bear an accurate label statement of the quantity of the contents.

DISPOSITION: Between the dates of August 13, 1945, and October 11, 1946. The Sugar Creek Creamery Co., Danville, Ill., having appeared as claimant for the product, with the exception of 1 lot, and having consented to the entry of decrees, and no claimant having appeared for the lot at Middlesboro, judgments of condemnation were entered. The butter for which claims had been entered was ordered released under bond, conditioned that it be converted into butter oil, under the supervision of the Federal Security Agency. The lot of butter at Middlesboro was ordered sold for salvage fat.

10265. Adulteration of butter. U. S. v. 30 Boxes (1,800 pounds) of Butter (and 3 other seizure actions against butter). Decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 16682, 16683, 17069, 17070. Sample Nos. 20740-H to 20742-H, incl., 20744-H, 20748-H, 20751-H, 20752-H, 20757-H.)

LIBELS FILED: On or about May 29 and June 6 and 14, 1945, Western District of Missouri.

ALLEGED SHIPMENT: Between the approximate dates of April 24 and May 8, 1945, by the Dairy Products Marketing Association, from Enid and El Reno, Okla., and Denison, Tex.