

DAIRY PRODUCTS

BUTTER

10397. Action to enjoin and restrain the interstate shipment of adulterated and misbranded butter. U. S. v. Potomac Creamery Co., Inc., and William G. McKay. Injunction granted. (Inj. No. 156.)

COMPLAINT FILED: November 19, 1946, District of Maryland, against the Potomac Creamery Co., Inc., of Hagerstown, Md., and William G. McKay, president of the corporation. The complaint alleged that since August 20, 1943, the defendants had been and were manufacturing butter under insanitary conditions whereby it had become, and was being, contaminated with filth; that the butter so manufactured was adulterated in violation of Section 402 (a) (3) and (4) in that it consisted in whole or in part of a filthy and decomposed substance, and had been prepared, packed, and held under insanitary conditions whereby it became, and was becoming, contaminated with filth. The complaint alleged further that the defendants were causing introduction and delivery for introduction into interstate commerce, butter which was misbranded in violation of Section 403 (e) (2) in that it failed to bear a label containing an accurate statement of the quantity of the contents. Investigation of interstate shipments and inspections of the creamery showed, among other conditions, the existence of the following: The defendants were accepting and using a material amount of decomposed cream in the manufacture of butter; butter produced, wrapped, and awaiting distribution at the plant was short-weight; shipments of butter made by the defendants were found to have been made from decomposed cream and to contain filth; the creamery was located in an old building which had unscreened doors and windows; flies and roaches had access to the plant; and the building was rat-infested, as evidenced by large numbers of rat pellets.

PRAYER OF COMPLAINT: That an injunction issue enjoining and restraining the defendants from commission of the acts complained of.

DISPOSITION: January 9, 1947. The defendants having consented to the entry of a decree, an injunction was issued restraining the defendants from introducing or delivering for introduction into interstate commerce adulterated and misbranded dairy products which the defendants had manufactured or would manufacture in the future.

10398. Adulteration of butter. U. S. v. 16 Cartons (1,040 pounds) * * * (F. D. C. No. 21923. Sample No. 51771-H.)

LABEL FILED: October 25, 1946, District of Massachusetts.

ALLEGED SHIPMENT: October 8, 1946, by Edgerton Cooperative Creamery Co., from Edgerton, Minn.

PRODUCT: 16 65-pound cartons of butter at Somerville, Mass.

LABEL, IN PART: "First National Stores Somerville, Mass."

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

DISPOSITION: December 12, 1946. The Pipestone Produce Co., Somerville, Mass., 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 reworked under the supervision of the Federal Security Agency.

10399. Adulteration of butter. U. S. v. 12 Cartons (600 pounds) * * * (F. D. C. No. 22125. Sample No. 51782-H.)

LABEL FILED: November 12, 1946, Northern District of Illinois.

ALLEGED SHIPMENT: On or about October 23, 1946, by Turtle Lake Creamery, from Minot, N. Dak.

PRODUCT: 12 50-pound cartons of butter at Chicago, Ill.

LABEL, IN PART: (Wrapper) "Meadow Gold Butter Distributed by Beatrice Creamery Company General Office Chicago, Ill."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), an article containing less than 80 percent by weight of milk fat had been substituted for butter.