

DISPOSITION: December 12, 1946. Walter Englund and Herbert Englund, claimants, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be reworked under the supervision of the Food and Drug Administration.

CHEESE

10400. Action to restrain the interstate shipment of adulterated cheese. U. S. v. Louis Alleman and Dorothy Radtke (Supreme Dairy Products Co.). Injunction granted. Defendants subsequently charged with violation of the injunction. Pleas of guilty entered. Fine of \$500 and costs against each defendant. (Inj. No. 127.)

COMPLAINT FILED: January 24, 1946, Northern District of Illinois, against Louis Alleman and Dorothy Radtke, copartners, trading as the Supreme Dairy Products Co., at Oglesby, Ill., with branch offices at Toluca, Tiskilwa, Washburn, Neoga, and Charleston, Ill. The complaint alleged that the defendants had been shipping in interstate commerce for the past several years, quantities of cheese which was adulterated, and that they were continuing to make these shipments.

NATURE OF CHARGE: Adulteration, Section 402(a) (3), the article consisted in whole or in part of a filthy, putrid, or decomposed substance in that it contained insect fragments, whole insects, hairs resembling those of rodents, cows, and cats, rodent excreta, mites, larvae, materials resembling animal feed and manure, metallic and wood fragments, vegetable fibers, and nondescript dirt; and, Section 402 (a) (4), it had been, and was being, prepared, packed, and held under insanitary conditions whereby it had been, and was being, contaminated with filth, in that the defendants' plants were infested with rodents and insects, and in that the article was manufactured and processed in part from milk containing a high concentration of filth.

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

DISPOSITION: The defendants having consented to the entry of a decree, the court, on February 8, 1946, entered a decree enjoining the defendants from causing the introduction and delivery for introduction into interstate commerce, cheese which was adulterated under Sections 402 (a) (3) and (4). On October 14, 1946, an information was filed, charging the defendants with criminal contempt for violation of the injunction by reason of the shipment on or about June 22 and 27, 1946, from Macomb and Toluca, Ill., to Curwensville, Pa., a quantity of cheese which consisted in whole or in part of a filthy substance and which had been prepared and packed under insanitary conditions. On January 14, 1947, a plea of guilty having been entered on behalf of the defendants, the court imposed a fine of \$500 and costs against each defendant.

10401. Adulteration of cheese. U. S. v. John Gurtner (Bestlerton Cheese Factory). Plea of nolo contendere. Fine, \$250. (F. D. C. No. 21494. Sample No. 51221-H.)

INFORMATION FILED: December 16, 1946, Western District of Wisconsin, against John Gurtner, trading as the Bestlerton Cheese Factory, Cumberland, Wis.

ALLEGED SHIPMENT: On or about May 3, 1946, from the State of Wisconsin into the State of Minnesota.

LABEL, IN PART: "Cave Au Banquette Blue-Cheese."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insect fragments, insect excreta fragments, mites, rodent hair fragments, and manure fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: December 23, 1946. The defendant having entered a plea of nolo contendere, the court imposed a fine of \$250.

10402. Adulteration of cheese. U. S. v. Blue Moon Foods, Inc. Plea of nolo contendere. Fine, \$3,000. (F. D. C. No. 21533. Sample Nos. 43496-H, 57316-H, 63751-H.)

INFORMATION FILED: January 13, 1947, Western District of Wisconsin, against Blue Moon Foods, Inc., a corporation, Thorp, Wis.

ALLEGED SHIPMENT: On or about July 12, 13, and 15, 1946, from the State of Wisconsin into the States of California, Massachusetts, and New Jersey.

LABEL, IN PART: "Blue Moon Swiss Gruyere Type Pasteurized Process Cheese," "Blue Moon Pasteurized Process Cheese," or "Swiss-American Blend."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insects, insect fragments, fly fragments, setae, mites, rodent hair fragments, feather fragments, cow, human, and cat hairs, and manure fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 23, 1947. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$1,000 on each of the 3 counts, a total fine of \$3,000.

10403. Adulteration of cheese. U. S. v. 32 Boxes * * *. (F. D. C. No. 21581. Sample No. 64565-H.)

LIBEL FILED: October 30, 1946, Southern District of New York.

ALLEGED SHIPMENT: On or about July 8, 1946, by Cohen Brothers, from Waupaca, Wis.

PRODUCT: 32 unlabeled boxes, each containing 6 11-pound loaves, of Provolone cheese at New York, N. Y. Examination showed that the article was moldy and decomposed.

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

DISPOSITION: December 23, 1946. Harry Rosenblum, New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reconditioning by elimination of all decomposed substance, under the supervision of the Food and Drug Administration.

10404. Adulteration and misbranding of Cheddar cheese. U. S. v. 440½ Pounds * * *. (F. D. C. No. 21775. Sample No. 51485-H.)

LIBEL FILED: November 29, 1946, Western District of Wisconsin.

ALLEGED SHIPMENT: On or about July 8, 1946, by Dubuque Cooperative Dairy, from Dubuque, Iowa.

PRODUCT: 6 Cheddar cheeses, weighing a total of 440½ pounds, at Platteville, Wis.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), an article deficient in milk fat had been substituted in whole or in part for Cheddar cheese.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for Cheddar cheese since its solids contained less than 50 percent of milk fat, the minimum prescribed by the definition and standard for Cheddar cheese.

DISPOSITION: January 21, 1947. No claimant having appeared, judgment of forfeiture was entered and the product was ordered sold to the State of Wisconsin or to a county institution.

10405. Adulteration and misbranding of Colby cheese. U. S. v. 200 Boxes * * *. (F. D. C. No. 22372. Sample No. 72915-H.)

LIBEL FILED: January 8, 1947, Southern District of Ohio.

ALLEGED SHIPMENT: On or about November 5, 1946, by Swift & Co., from Seymour, Ind.

PRODUCT: 200 22-pound boxes of Colby cheese at Cincinnati, Ohio.

LABEL, IN PART: "Colby Cheese Distributed by Swift & Company."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), an article containing excessive moisture and deficient in milk fat had been substituted in whole or in part for Colby cheese.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for Colby cheese since it contained more