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10591. Adulteration of butter. U. S. v. 40 Cartons (2,400 pounds) * * *.
(F. D. C. No. 18298. Sample No. 7455-H.)

LIBEL FILED: August 25, 1945, Southern District of New York.

ALLEGED SHIPMENT: On or about August 14, 1945, by the Plymouth Creamery Co., Le Mars, Iowa, from Sioux City, Iowa.

PRODUCT: 40 60-pound cartons of butter at New York, N. Y.

LABEL, IN PART: "Butter Distributed By Standard Butter & Egg Co. 101 New York."

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: September 5, 1945. The Standard Butter & Egg Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration.

10592. Adulteration and misbranding of butter. U. S. v. Denison Poultry & Egg Company. Plea of nolo contendere. Fine, \$150. (F. D. C. No. 12573. Sample No. 61526-F.)

INFORMATION FILED: November 14, 1944, Eastern District of Texas, against the Denison Poultry & Egg Co., a partnership, Denison, Tex.

ALLEGED SHIPMENT: On or about February 24, 1944, from the State of Texas into the State of Louisiana.

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

Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents. The label statement "1 Lb. Net Wt." was inaccurate and incorrect since the packages contained less than 1 pound net weight of butter.

DISPOSITION: December 4, 1946. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$150.

CHEESE

10593. Adulteration of cheese. U. S. v. C. E. Zuercher & Co. and Clement E. Zuercher. Pleas of guilty. Fine of \$375 against each defendant. (F. D. C. No. 17810. Sample Nos. 86641-F, 87918-F, 87919-F, 87921-F.)

INFORMATION FILED: May 31, 1946, Northern District of Illinois, against C. E. Zuercher & Co., a partnership, Chicago, Ill., and Clement E. Zuercher, a partner.

ALLEGED VIOLATION: The defendants received quantities of adulterated cheese in interstate commerce at Chicago, Ill., on or about October 20, 1944, from Green Bay, Wis., and delivered it to a cheese processor at Chicago, Ill., in violation of Section 301 (c).

On or about November 17, 1944, the defendants shipped quantities of adulterated cheese from the State of Illinois to the State of Wisconsin.

LABEL, IN PART: (Portion) "Nauvoo Blue Cheese Manufactured by Nauvoo Milk Products Co. Nauvoo, Illinois," or "Spring Green Cry. Spring Green, Wis."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the lot received in interstate commerce and delivered to the processor consisted in whole or in part of a decomposed substance by reason of the presence of mold and decomposed cheese, and the lots shipped in interstate commerce consisted in whole or in part of a filthy and decomposed substance by reason of the presence of mites, insect fragments, rodent hair fragments, and decomposed cheese.

DISPOSITION: December 12, 1946. Pleas of guilty having been entered, the court imposed fines of \$125 on each count upon both the partnership and the individual defendant, a total fine of \$750, plus costs.

10594. Adulteration of cheese. U. S. v. 25 Hoops * * *. (F. D. C. No. 18164. Sample No. 5938-H.)

LIBEL FILED: October 16, 1945, District of New Jersey.

ALLEGED SHIPMENT: On or about April 4, 1945, by the Hamilton Food Store, from Schenectady, N. Y.

PRODUCT: 25 hoops each containing 2 40-pound cheeses at West New York, N. J.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of live and dead flies, maggots, and other insects.

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

10595. Adulteration of Cheddar cheese. U. S. v. 62 Boxes * * *. (F. D. C. No. 18044. Sample No. 25960-H.)

LIBEL FILED: October 30, 1945, District of Colorado.

ALLEGED SHIPMENT: On or about October 3, 1945, by the Cudahy Packing Company, Dairy and Poultry Division, from Culbertson, Nebr.

PRODUCT: 62 boxes each containing 3 cheeses weighing about 22 to 25 pounds each, at Denver, Colo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect parts, rodent hairs, and nondescript dirt; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 28, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10596. Adulteration and misbranding of grated cheese. U. S. v. 300 Cards * * * (and 4 other seizure actions). (F. D. C. Nos. 19941, 20304, 20515, 20516, 20553. Sample Nos. 8487-H, 56888-H, 56891-H, 56893-H, 56894-H, 57158-H.)

LIBELS FILED: Between May 21 and July 22, 1946, Districts of Connecticut, Rhode Island, and Massachusetts.

ALLEGED SHIPMENT: Between the approximate dates of December 3, 1945, and March 26, 1946, by the Rialto Food Products Co., from Philadelphia, Pa.

PRODUCT: 1,047 cards, each containing 12 envelopes, of grated cheese at New Haven, Conn., Providence, R. I., and Springfield, Mass. The article contained, variously, from 14 to 21 percent of lactose, showing the presence of a milk product other than cheese.

LABEL, IN PART: (Cards) "Chef Rialto Cheese"; (some envelopes) "Italian Style Cheese"; (other envelopes) "Italian Style Grated Cheese Made from imported and domestic cheese with partially skimmed cheese added"; (other envelopes) "Highest Quality Chef Rialto."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a substance high in lactose had been substituted in whole or in part for "Italian Style [or "Grated"] Cheese."

Misbranding, Section 403 (a), the designation on the cards "Cheese" and the statement on some envelopes "Italian Style Grated Cheese," or "Italian Style Cheese," were false and misleading as applied to an article containing a milk product other than cheese; and, Section 403 (i) (2), the label failed to bear the common or usual name of each of the ingredients.

DISPOSITION: June 2, August 27 and 28, and September 6, 1946. No claimant having appeared, judgments of condemnation were entered and the product was ordered delivered to charitable institutions.