

402 (a) (4), it had been prepared under unsanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 10, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10978. Adulteration of grated cheese. U. S. v. 49 Cartons * * * and 4 other seizure actions). (F. D. C. Nos. 19754, 19755, 19770, 19811, 19956. Sample Nos. 8491-H, 8909-H, 12671-H, 57030-H, 59656-H.)

LIBELS FILED: Between the dates of May 2 and May 28, 1946, Districts of Massachusetts and Connecticut and Northern District of Ohio.

ALLEGED SHIPMENT: Between the approximate dates of March 19 and April 18, 1946, by the Empire State Cheese Co., from Olean, N. Y.

PRODUCT: Grated cheese. 650 pounds at Boston, Mass., 1,430 pounds at New Haven, Conn., and approximately 550 pounds at Youngstown, Ohio.

LABEL, IN PART: (Portions) "Escco Cheese Empire State Cheese Co. * * * Olean, N. Y. * * *," or "Temptation Brand Prima Gualita Ricotta Salata."

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 rodent hair fragments, rodent excreta, insects, insect excreta, mites, and nondescript dirt; and (all cheese, except 1,350 pounds at New Haven), Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 31, June 22 and 24, and September 20, 1946. No claimant having appeared, judgments of condemnation were entered and 1,350 pounds of the product at New Haven was ordered delivered to a rendering plant for salvage of the fat for nonedible purposes, and the remainder of the product was ordered destroyed.

10979. Adulteration of cheese. U. S. v. 21 Cartons * * * (and 3 other seizure actions). (F. D. C. Nos. 19251 to 19253, incl., 19739. Sample Nos. 3684-H to 3686-H, incl., 5069-H, 5070-H, 8093-H, 8094-H, 65004-H, 65215-H.)

LIBELS FILED: February 26 and 27 and May 1, 1946, Eastern District of Pennsylvania, District of New Jersey, and District of Maryland.

ALLEGED SHIPMENT: Between the approximate dates of December 18, 1945, and April 1, 1946, by the Hygrade Food Products Corp., from New York, N. Y.

PRODUCT: 21 cartons, each containing 96 2-ounce packages, of grated cheese, 75 cartons, each containing 12 2-pound loaves, of Cheese Food, and 300 cartons, each containing 6 5-pound loaves, of Lunch Loaf at Philadelphia, Pa.; 4 cartons, each containing 72 8-ounce packages, of process cheese and 33 cartons, each containing 96 2-ounce packages, of grated cheese at Newark, N. J.; and 21 8-ounce cartons of process cheese and 8 cartons, each containing 12 2-ounce packages, and 40 cartons, each containing 12 1½-ounce packages, of grated cheese at Baltimore, Md.

LABEL, IN PART: "Pasteurized Lunch Loaf Provolone Flavor," "Hygrade's Italian Style Grated Cheese," "Hygrade's Grated American Cheddar Cheese," "Hygrade's American Pasteurized Process Cheese," "Hygrade's Feast * * * Cheese Food," or "Hygrade's Swiss Pasteurized Process Cheese."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of rodent hair fragments and (portion) insect fragments; and, Section 402 (a) (4), they had been prepared under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: April 1, July 8, and August 14, 1946. No claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

10980. Adulteration of Provolone cheese. U. S. v. 480 Cartons * * *. (F. D. C. No. 19480. Sample No. 8763-H.)

LIBEL FILED: March 28, 1946, Eastern District of New York.

ALLEGED SHIPMENT: On or about August 3, 1945, by the Stella Cheese Co., from Clayton, Wis.

PRODUCT: 480 cartons, each containing approximately 45 pounds, of Provolone cheese at Brooklyn, N. Y.

LABEL, IN PART: "Giant Provolone."

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 rodent-gnawed cheese and rodent excreta.

DISPOSITION: April 22, 1946. Cumberland Dairy Products, Inc., Brooklyn, N. Y., claimant, having admitted the 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 by removal of the unfit portion, which was to be destroyed or denatured under the supervision of the Food and Drug Administration.

MISCELLANEOUS DAIRY PRODUCTS

10981. Adulteration of cream. U. S. v. 33 1-Gallon Cans * * *. (F. D. C. Nos. 16727, 16729, 18433, 18435, 18436, 19988. Sample Nos. 26599-H, 26600-H, 26875-H to 26877-H, incl., 47854-H.)

LIBELS FILED: June 8 and 11, September 27, and November 5, 1945, and May 2, 1946, District of Colorado.

ALLEGED SHIPMENT: On or about June 5 and 6 and September 19 and 22, 1945, and April 22, 1946, by the Armour Creameries, Inc., from Superior, Nebr., the Mid-State Creamery, from Hastings, Nebr., the Calder Creamery Co., from Vernal, Utah, and the Judevine Creamery, from Douglas, Wyo.

PRODUCT: 33 10-gallon cans of cream at Denver, Colo.

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

DISPOSITION: June 8 and 12, October 2, and November 5, 1945, and May 2, 1946. The consignees having consented to the immediate destruction of the cream, judgments were entered ordering that the product be destroyed.

10982. Misbranding of condensed buttermilk. U. S. v. 63 Barrels * * *. (F. D. C. No. 19214. Sample No. 5243-H.)

LIBEL FILED: February 14, 1946, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about December 14, 1945, by the Jersey Milk and Cream Co., from La Fargeville, N. Y.

PRODUCT: 63 barrels, each containing approximately 400 pounds, of condensed buttermilk at Leesport, Pa. This product contained not more than 0.19 percent of fat, which is less than condensed buttermilk should contain. It contained less fat, protein, lactic acid, and total solids than declared on the label.

LABEL, IN PART: "Lactó-Protein Condensed Buttermilk * * * Protein 10.00% Fat 2% Lactic Acid 6.00% Total Solids 27.00%."

NATURE OF CHARGE: Misbranding, Section 403 (a), the designation "Condensed Buttermilk" and the statements "Protein 10.00% Fat 2% Lactic Acid 6.00% Total Solids 27.00%," borne on the label, were false and misleading.

DISPOSITION: March 6, 1946. The Jersey Milk and Cream Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

10983. Misbranding of nonfat dry milk solids. U. S. v. 42 Barrels, etc. (F. D. C. No. 19394. Sample No. 19547-H.)

LIBEL FILED: March 28, 1946, Northern District of Iowa.

ALLEGED SHIPMENT: On or about December 5, 1946, by the M. Fitzgerald and Son Dairy Products Co., from Grand Rapids, Minn.

PRODUCT: 42 barrels, each containing 170 pounds, and 8 barrels, each containing 225 pounds, of nonfat dry milk solids at Cedar Rapids, Iowa.

LABEL, IN PART: "Dried Skim Milk Powder Roller Process Manufactured By The Grand Rapids Creamery Company Grand Rapids, Minnesota."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the product purported to be and was represented as nonfat dry milk solids, a food for which a definition and standard of identity has been prescribed by law, and it failed to conform to the definition and standard since it was not made from sweet milk of