

11359. Adulteration of sugar. U. S. v. 32 Bags * * *. (F. D. C. No. 20384. Sample No. 59553-H.)

LIBEL FILED: July 8, 1946, Western District of Washington.

ALLEGED SHIPMENT: On or about May 8, 1946, from Oakland, Calif.

PRODUCT: 32 100-pound bags of sugar at Seattle, Wash., in the possession of Associated Grocers Co-op. The product had been stored under insanitary conditions. Rodent excreta and urine stains were observed on the bags, and examination disclosed that the product contained urine.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 30, 1946. Associated Grocers Co-op., Seattle, Wash., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be refined under the supervision of the Food and Drug Administration.

DAIRY PRODUCTS

BUTTER

The following cases report actions involving butter that consisted in whole or in part of filthy or decomposed substances, Nos. 11360 to 11362; that was below the legal standard for milk fat content, Nos. 11363 to 11370; and that was short of the declared weight, No. 11371.

11360. Adulteration of butter. U. S. v. Swisher Creamery, Inc., and Henry Teubel. Pleas of guilty. Fine of \$200 against defendants, jointly. (F. D. C. No. 20449. Sample Nos. 32210-H, 32211-H.)

INFORMATION FILED: September 25, 1946, Northern District of Texas, against Swisher Creamery, Inc., Tulia, Tex., and Henry Teubel, president.

ALLEGED SHIPMENT: On or about July 3, 1945, from the State of Texas into the State of Arizona.

LABEL, IN PART: "Swisher Butter."

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 fragments, insect setae, rodent hair, and a whole insect; and, Section 402 (a) (4), it had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 1, 1946. Pleas of guilty having been entered on behalf of both defendants, the court imposed a fine of \$200 against the defendants, jointly.

11361. Adulteration of butter. U. S. v. Armour & Co., Ltd. Plea of not guilty. Judgment of guilty. Fine, \$400. (F. D. C. No. 20476. Sample Nos. 26694-H, 26697-H to 26699-H, incl.)

INFORMATION FILED: August 29, 1946, Western District of Texas, against Armour & Co., Ltd., a corporation, El Paso, Texas.

ALLEGED SHIPMENT: On or about July 11, 17, and 18, 1945, from the State of Texas into the States of New Mexico and Arizona.

LABEL, IN PART: "Armour's Cloverbloom Butter."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insect parts, insect fragments, feather barbules, plant tissue, fibers, setae, carbonized material, and nondescript dirt; and, Section 402 (a) (4), it had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 12, 1946. A plea of nolo contendere having been entered on behalf of the defendant, the court directed that the plea be entered as "not guilty." A jury having been waived, the case was submitted to the court on the information, plea of the defendant, and evidence submitted. The court found the defendant guilty and imposed a fine of \$100 on each of the 4 counts.