

LABEL, IN PART: "To El Rey Cheese Co. Los Angeles Cal. Sweet Clover Creamery."

NATURE OF CHARGE: Curd and Cheddar cheese. Adulteration, Section 402 (a) (3), the articles consisted in part of filthy substances by reason of the presence of (in the curd) rodent hairs, an insect leg, and nondescript dirt, and (in the Cheddar cheese) insect parts, rodent hairs, feather fragments and feather barbules, plant particles, and nondescript dirt; and, Section 402 (a) (4), they had been prepared, packed, and held under insanitary conditions whereby they may have become contaminated with filth.

Colby cheesé. Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for Colby cheese, since it contained more than 40 percent of moisture and its solids contained less than 50 percent of milk fat.

DISPOSITION: February 21, 1947. A plea of guilty having been entered by the defendant, the court imposed a fine of \$150.

12498. Adulteration and misbranding of dried whey. U. S. v. Nelson-Ricks Creamery Co. Plea of guilty. Fine, \$50. (F. D. C. No. 23245. Sample No. 70552-H.)

INFORMATION FILED: September 22, 1947, District of Idaho, against the Nelson-Ricks Creamery Co., a corporation, Rexburg, Idaho.

ALLEGED SHIPMENT: On or about May 4, 1946, from the State of Idaho into the State of California.

LABEL, IN PART: "Edible Milk By-products (Dried)."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a mixture of a cereal product of high starch content and milk by-products had been substituted for milk by-products.

Misbranding, Section 403 (a), the statement "Milk By-products" was false and misleading.

DISPOSITION: October 13, 1947. A plea of guilty having been entered on behalf of the defendant, a fine of \$50 was imposed.

12499. Adulteration of ice cream. U. S. v. Steffen Ice & Ice Cream Co. (F. D. C. No. 21576. Sample Nos. 48542-H, 48543-H, 48546-H.)

INFORMATION FILED: May 10, 1947, Northern District of Texas, against the Steffen Ice & Ice Cream Company, a corporation, Amarillo, Tex.

ALLEGED SHIPMENT: On or about October 19, 20, and 24, 1946, from the State of Texas into the State of New Mexico.

LABEL, IN PART: (Portion) "Vanilla One Pint Steffen's Ice Cream Artificially Flavored Manufactured by Steffen Ice & Ice Cream Company Wichita, Arkansas City, Kansas—Amarillo, Texas."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of rodent hair and other hairs, feather barbules, 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: June 2, 1947. A plea of nolo contendere having been entered, the court imposed fines totaling \$150.

12500. Adulteration of cream. U. S. v. 1 10-Gallon Can * * * (and 5 other seizure actions). (F. D. C. Nos. 21283 to 21286, incl., 21289, 21290. Sample Nos. 59761-H, 59780-H, 59781-H, 59783-H, 59794-H, 60505-H.)

LIBELS FILED: August 26 and September 16, 17, and 30, 1946, Western District of Pennsylvania.

ALLEGED SHIPMENT: Between the approximate dates of August 22 and September 25, 1946. Two cans were shipped by the Fairmont Creamery Co., and 1 can by C. M. Walker, from Strasburg, Va.; 3 cans, by Eston Judy, from Petersburg, W. Va.; 1 can, by C. M. Russell, from Winchester, Va.; and 1 can, by Fred Farhart, from Middlebourne, W. Va.

PRODUCT: 8 10-gallon cans of cream at Pittsburgh, Pa.

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

DISPOSITION: August 27 and September 16, 17, and 30, 1946. The consignees having consented to the immediate destruction of the cream, judgments were entered ordering that the product be destroyed.

12501. Adulteration of cream. U. S. v. 1 10-Gallon Can * * *. (F. D. C. No. 23537. Sample No. 91540-H.)

LIBEL FILED: February 26, 1947, District of Colorado.

ALLEGED SHIPMENT: On or about February 20, 1947, by the Mid State Creamery, from Hastings, Nebr.

PRODUCT: 1 10-gallon can of cream at Denver, Colo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and putrid substance.

DISPOSITION: February 26, 1947. The consignee having consented, judgment was entered for the immediate destruction of the product.

12502. Misbranding of oleomargarine. U. S. v. 49 Cases * * *. (F. D. C. No. 23768. Sample No. 20903-K.)

LIBEL FILED: September 22, 1947, District of Kansas.

ALLEGED SHIPMENT: On or about August 29, 1947, by Kent Products, Inc., from Kansas City, Mo.

PRODUCT: 49 cases, each containing 32 1-pound cartons, of oleomargarine at Topeka, Kans.

LABEL, IN PART: "Richmade Vegetable Oleomargarine."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for oleomargarine, since it contained less than 80 percent fat.

DISPOSITION: October 25, 1947. Kent Products, Inc., 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, under the supervision of the Food and Drug Administration. The product was reworked.

EGGS*

12503. Adulteration of frozen whole eggs. U. S. v. Columbia Produce, Inc., Jacob Klempf, and Herman Schneider. Pleas of nolo contendere. Fine of \$500 against the corporation and a fine of \$200 and a sentence of 60 days in jail against each individual. The jail sentence of Herman Schneider was suspended, and he was placed on probation for 1 year. (F. D. C. No. 23589. Sample No. 39189-H.)

INFORMATION FILED: October 8, 1947, Western District of Wisconsin, against Columbia Produce, Inc., Portage, Wis., and Jacob Klempf, president, and Herman Schneider, secretary-treasurer, of the corporation.

ALLEGED SHIPMENT: On or about April 14, 1947, from the State of Wisconsin into the State of Illinois.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a decomposed substance by reason of the presence of decomposed eggs.

DISPOSITION: October 11, 1947. Pleas of nolo contendere having been entered, the court imposed a fine of \$500 against the corporation and a fine of \$200 and a sentence of 60 days in jail against each individual. The jail sentence of Herman Schneider was suspended, and he was placed on probation for 1 year.

12504. Adulteration of frozen whole eggs. U. S. v. 360 Cans * * *. (F. D. C. No. 24041. Sample No. 26340-K.)

LIBEL FILED: December 24, 1947, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about September 11, 1947, by the Booth Cold Storage Co., from St. Paul, Minn.

PRODUCT: 360 30-pound cans of frozen whole eggs at St. Louis, Mo.

LABEL, IN PART: "Fancy Whole Eggs * * * Foures, Inc., St. Paul, Minnesota."

*See also No. 12488.