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12883. Adulteration of butter. U. S. v. 17 64-Pound Cubes * * *. (F. D. C. No. 24335. Sample Nos. 15026-K, 15118-K.)

LIBEL FILED: January 7, 1948, Northern District of Illinois.

ALLEGED SHIPMENT: On or about July 28, 1947, by Burkey's Creamery, Cushing, Okla.

PRODUCT: 17 64-pound cubes of butter at Chicago, Ill.

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: February 3, 1948. The Harry H. Redfearn Co., Chicago, Ill., claimant, having consented to the entry of a decree, 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.

12884. Misbranding of butter. U. S. v. 121 Cases * * *. (F. D. C. No. 24717. Sample No. 4482-K.)

LIBEL FILED: On or about March 19, 1948, District of Connecticut.

ALLEGED SHIPMENT: On or about February 17, 1948, by Gildener & Schimmel, Inc., from New York, N. Y.

PRODUCT: 121 cases, each containing 30 1-pound prints, of butter at New York, N. Y.

LABEL, IN PART: "Creamery Butter Packed by A. Gildener Co. New York, N. Y."

NATURE OF CHARGE: Misbranding, Sections 403 (a) and 403 (e), the prints of the butter did not contain "1 Lb. Net" as labeled.

DISPOSITION: April 14, 1948. Gildener & Schimmel, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reprinted to the correct weight, under the supervision of the Federal Security Agency.

CHEESE*

12885. Adulteration of Swiss cheese. U. S. v. Star Valley Swiss Cheese Association, Carl Erickson, and Ernest Brog. Pleas of guilty. Corporation fined \$96; individuals each fined \$2. (F. D. C. No. 23281. Sample Nos. 44338-H, 45691-H.)

INFORMATION FILED: September 30, 1947, District of Idaho, against the Star Valley Swiss Cheese Association, a corporation, Freedom, Idaho, and Carl Erickson, president, and Ernest Brog, general manager.

ALLEGED SHIPMENT: On or about July 13 and 17, 1946, from the State of Idaho into the State of California.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of rodent excreta, mites, mold, 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: February 13, 1948. Pleas of guilty having been entered, the corporation was fined \$96, and each individual defendant, \$2.

12886. Adulteration of process cheese. U. S. v. Wilshire Cheese Co., Inc. Plea of nolo contendere. Fine, \$75. (F. D. C. No. 23282. Sample Nos. 49123-H, 67078-H, 67382-H.)

INFORMATION FILED: July 16, 1947, Western District of Missouri, against the Wilshire Cheese Co., Inc., Springfield, Mo.

ALLEGED SHIPMENT: On or about October 2 and 7, 1946, from the State of Missouri into the States of Texas, Oklahoma, and Kansas.

LABEL, IN PART: "Borden's [or "Wilson & Co."] * * * Pasteurized Process Cheese."

*See also No. 12872.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of manure fragments, plant fragments, cow hair, and insect fragments.

DISPOSITION: October 6, 1947. A plea of nolo contendere having been entered on behalf of the defendant, a fine of \$75 was imposed.

12887. Adulteration of process cheese. U. S. v. 100 Cases * * *. (F. D. C. No. 23084. Sample No. 73522-H.)

LABEL FILED: June 20, 1947, Northern District of Ohio.

ALLEGED SHIPMENT: On or about May 16, 1947, by the Kraft Foods Co., from Freeport, Ill.

PRODUCT: 100 cases, each containing 12 2-pound boxes, of process cheese at Toledo, Ohio.

LABEL, IN PART: "Kraft American Pasteurized Process Cheese."

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 manure fragments, insect fragments, and nondescript dirt, and by reason of the use of filthy milk in its preparation.

DISPOSITION: February 11, 1948. The Kraft Foods Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be disposed of in compliance with the law, under the supervision of the Federal Security Agency.

12888. Adulteration and misbranding of Cheddar cheese. U. S. v. Dubuque Cooperative Dairy Marketing Association, a corporation, and Charles C. Kauffmann. Pleas of guilty. Corporation fined \$200 and costs; individual fined \$20. (F. D. C. No. 22003. Sample Nos. 51078-H, 51485-H.)

INFORMATION FILED: December 10, 1947, Northern District of Iowa, against the Dubuque Cooperative Dairy Marketing Association, Dubuque, Iowa, and Charles C. Kauffmann, manager.

ALLEGED SHIPMENT: On or about March 18 and July 8, 1946, from the State of Iowa into the State of Wisconsin.

LABEL, IN PART: (One shipment) "Iowa White"; (remaining shipment) "Cheddar Cheese."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, milk fat, had been in part omitted from the product since it contained less than 50 percent of milk fat in its solids; and, Section 402 (b) (2), a substance containing less than 50 percent of milk fat in its solids, a portion of which contained more than 39 percent of moisture, had been substituted for Cheddar cheese, a standardized product.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for Cheddar cheese, since it contained in its solids less milk fat than required by the standard, and a portion contained more moisture than permitted by the standard; and, Section 403 (g) (2), one shipment failed further to conform to the definition and standard of identity, since it failed to bear the name of the food specified in the definition and standard, i. e., Cheddar cheese.

DISPOSITION: December 10, 1947. Pleas of guilty having been entered, the corporation was fined \$200 and costs and the individual defendant was fined \$20.

12889. Adulteration and misbranding of Cheddar cheese. U. S. v. 608 Boxes * * *. (F. D. C. No. 13292. Sample No. 66953-F.)

LABEL FILED: On or about August 25, 1944, Western District of Missouri.

ALLEGED SHIPMENT: On or about June 17, 1944, by Swift & Co., Salina, Kans.

PRODUCT: 608 boxes, each containing 3 20-pound daisies, of Cheddar cheese at Kansas City, Mo.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product deficient in milk fat had been substituted for Cheddar cheese.

Misbranding, Section 403 (g) (1), the product 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 milk fat permitted by the regulations.