

**DISPOSITION:** November 8, 1948. Default decree of condemnation. The product was ordered delivered to charitable institutions.

### MISCELLANEOUS DAIRY PRODUCTS

**14004. Adulteration of condensed skim milk and cream. U. S. v. Hawk Dairies, William M. Hawk, and Walter G. Eppler. Pleas of nolo contendere. Hawk Dairies fined \$800, William M. Hawk \$400, and Walter G. Eppler \$400, a total of \$1,600. (F. D. C. No. 25579. Samples Nos. 21744-K, 27610-K to 27612-K, incl.)**

**INFORMATION FILED:** December 6, 1948, Northern District of Oklahoma, against Hawk Dairies, a corporation, Tulsa, Okla., William M. Hawk, president and treasurer, and Walter G. Eppler, vice-president.

**ALLEGED VIOLATION:** On or about June 3, 1948, the defendant gave Swift & Co. a guaranty providing that any food shipped or delivered thereafter by the defendant to Swift & Co. would be neither adulterated nor misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act.

On or about June 3, 1948, the defendant caused to be delivered to Swift & Co. a quantity of condensed skim milk at Tulsa, Okla. Swift & Co. was engaged in introducing and delivering for introduction into interstate commerce, milk and milk products.

On or about June 2, 3, and 7, 1948, the defendants caused to be introduced and delivered for introduction into interstate commerce at Claremore, Okla., for delivery to Fort Smith, State of Arkansas, various quantities of cream.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the products consisted in part of filthy substances by reason of the presence of insects, insect fragments, and rodent hair, and by reason of the use of contaminated milk in their preparation; and, Section 402 (a) (4), they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

**DISPOSITION:** December 15, 1948. Pleas of nolo contendere having been entered, the court imposed a fine of \$200 on each of four counts against the corporation and \$100 on each of four counts against each individual defendant, a total of \$1,600.

**14005. Adulteration and misbranding of nonfat dry milk solids. U. S. v. 41 Barrels \* \* \*. (F. D. C. No. 25679. Sample No. 45828-K.)**

**LIBEL FILED:** October 4, 1948, Western District of Tennessee.

**ALLEGED SHIPMENT:** On or about August 11, 1948, by the Central Farms Products Co., from Allerton, Iowa.

**PRODUCT:** 41 225-pound barrels of nonfat dry milk solids at Memphis, Tenn.

**LABEL, IN PART:** "Roller Process Nonfat Dry Milk Solids Net 225."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product prepared from neutralized skim milk had been substituted in whole or in part for nonfat dry milk solids.

Misbranding, Section 403 (a), the name "Nonfat Dry Milk Solids" was false and misleading as applied to an article prepared from neutralized skim milk.

**DISPOSITION:** November 1, 1948. The Central Farms Products Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be converted into stock feed, under the supervision of the Federal Security Agency.