

NATURE OF CHARGE: Misbranding, Section 403 (a), the labeling of the article was false and misleading since the cartons did not contain 2 pounds of the article as labeled, but contained less than 2 pounds; and, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents in terms of weight.

DISPOSITION: May 20, 1949. The Mountain States Distributing Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling, under the supervision of the Federal Security Agency.

MISCELLANEOUS DAIRY PRODUCTS

15222. Adulteration of Biolac. U. S. v. 227 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 27373, 27374. Sample Nos. 32802-K, 32803-K, 33984-K.)

LIBELS FILED: May 24, 1949, Northern District of California.

ALLEGED SHIPMENT: On or about March 18, 1949, by Borden & Co., from Elgin, Ill.

PRODUCT: 252 cases, each containing 12 13-ounce cans, of Biolac at San Francisco, Calif.

LABEL, IN PART: "Biolac New Improved Modified Milk For Infants."

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

DISPOSITION: July 8, 1949. Default decrees of condemnation and destruction.

15223. Adulteration of Provoloni cheese. U. S. v. 8 Cases, etc. (F. D. C. No. 27413. Sample No. 6598-K.)

LIBEL FILED: June 10, 1949, Western District of New York.

ALLEGED SHIPMENT: On or about October 18 and 28, 1948, from Trinidad, Colo.

PRODUCT: Provoloni cheese. 8 cases, each containing 12 cheeses, plus 40 individual cheeses, at Rochester, N. Y.

LABEL, IN PART: (Cases) "Net 104 Lbs."

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-gnawed cheeses and rodent pellets. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: July 25, 1949. The Colorado Cheese Co., Inc., Trinidad, Colo., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond, to be brought into compliance with the law, under the supervision of the Federal Security Agency.

The cheeses were examined, and those with slight rodent-gnawings were trimmed. A total of 482 pounds of cheese was satisfactorily reconditioned; and a total of 440 pounds of trimmings, together with 48 whole cheeses which were not salvageable, were destroyed.