

LABEL, IN PART: "Rich Pasture Creamery Butter."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of adult insect heads, insect fragments, rodent hair fragments, ants, and fruit flies, and, in addition, the product consisted in part of a decomposed substance since it was made of decomposed cream, as evidenced by a high mold mycelia count; and, Section 402 (a) (4), the product had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 1, 1950. Pleas of guilty having been entered, the court fined the corporation \$2,100 and the individual defendant \$700.

16161. Adulteration of butter. U. S. v. Frank Pilley & Sons, Inc. Plea of nolo contendere. Fine of \$100, plus costs. (F. D. C. No. 28145. Sample No. 61144-K.)

INFORMATION FILED: On or about March 15, 1950, Western District of Missouri, against Frank Pilley & Sons, Inc., Springfield, Mo.

ALLEGED VIOLATION: On or about June 27, 1940, the defendant gave to a firm engaged in the business of shipping butter in interstate commerce at Springfield, Mo., a guaranty to the effect that all food products sold or delivered to the holder of the guaranty would be neither adulterated nor misbranded under the law. On or about July 22, 1949, the defendant sold and delivered, pursuant to the guaranty at Springfield, Mo., a quantity of butter that was adulterated.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect fragments and manure, and by reason of the use of filth-contaminated milk in the preparation of the article.

DISPOSITION: March 29, 1950. A plea of nolo contendere having been entered, the court fined the defendant \$100, plus costs.

16162. Adulteration of butter. U. S. v. 28 cases * * * (and 1 other seizure action). (F. D. C. Nos. 29003, 29004. Sample Nos. 52661-K, 52662-K, 52981-K.)

LIBELS FILED: January 31 and February 1, 1950, Southern District of Ohio.

ALLEGED SHIPMENT: On or about January 16 and 23, 1950, by the Merchants Creamery Co., from Springfield, Mo.

PRODUCT: 27 63-pound cases and 28 64½-pound cases of butter at Cincinnati, Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), (both lots) the product consisted in part of a decomposed substance since it was made from decomposed cream, as evidenced by a high mold mycelia count, and, in addition, (28 cases) the product consisted in part of a filthy substance by reason of the presence of insect fragments, rodent hair fragments, mites, and manure.

DISPOSITION: March 20, 1950. The Merchants Creamery Co., claimant for the 27 cases, having admitted the allegations of the libel, and no claimant having appeared for the remaining 28 cases, judgments of condemnation were entered. The 27 cases were ordered released under bond for conversion into butter oil, under the supervision of the Food and Drug Administration, and the 28 cases were ordered denatured and sold for use other than for human consumption.