

**PRODUCT:** 10 cases, each containing 15 cartons, of candy at Newport, Ky. Examination showed that the product was egg-shaped candy, with semihard centers.

**LABEL, IN PART:** (Carton) "One Dozen M. M. Turkey Eggs"; (eggs) "Slats Golden Brittle Net Wt. 1 Oz. Ingredients: Peanuts," "Slats Golden Peanut Brittle Bar Net Wt. One Ounce Ingredients: Peanuts," "Old Time Peanut \* \* \* Peanuts Net Weight - 1 Ounce or Over," and "Our Pride and Joy Pecan Roll Net Wt. 1¼ Oz. Ingredients: Pecans."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the label statements "Golden Brittle \* \* \* Ingredients: Peanuts," "Golden Peanut Brittle Bar \* \* \* Ingredients: Peanuts," "Peanut \* \* \* \* Peanuts," and "Pecan Roll \* \* \* Ingredients: Pecans" were false and misleading as applied to the articles, which did not contain nuts; and, Section 403 (e) (2), the articles failed to bear a label containing an accurate statement of the quantity of the contents. (The articles were short of the declared weight.)

**DISPOSITION:** May 2, 1950. Default decree of condemnation. The court ordered that the candy be delivered to a charitable institution for its use, but not for sale.

## DAIRY PRODUCTS

### BUTTER

The following cases report actions involving butter that consisted in whole or in part of filthy or decomposed substances, Nos. 16313 to 16315, and that was below the legal standard for milk fat content, Nos. 16314 to 16319.

**16313. Adulteration of butter. U. S. v. Sherman White & Co. Plea of nolo contendere. Fine of \$900 and costs. (F. D. C. No. 29130. Sample Nos. 41864-K, 46592-K, 46595-K.)**

**INFORMATION FILED:** April 6, 1950, Northern District of Indiana, against Sherman White & Co., a corporation, Fort Wayne, Ind.

**ALLEGED SHIPMENT:** On or about August 11 and 18 and September 1, 1949, from the State of Indiana into the States of Michigan and Pennsylvania.

**LABEL, IN PART:** (Portion) "Silverbrook 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 insect fragments and rodent hairs, and one shipment consisted in part of a decomposed substance by reason of the use of decomposed cream in the manufacture of the product; and, Section 402 (a) (4), the product in two of the shipments had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** May 4, 1950. A plea of nolo contendere having been entered, the defendant was fined \$900, together with costs.

**16314. Adulteration of butter. U. S. v. 318 Boxes (20,034 pounds) \* \* \***  
(F. D. C. No. 28552. Sample No. 42174-K.)

**LABEL FILED:** October 26, 1949, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about August 27, 1949, by the W. B. Pruitt Produce Co., from Muskogee, Okla.

**PRODUCT:** 318 63-pound boxes of butter at Chicago, Ill.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance; and, Section 402 (b) (2), a

product containing less than 80 percent by weight of milk fat had been substituted for butter. (Analysis disclosed that the product was low in butter fat and was made from decomposed cream.)

**DISPOSITION:** February 10, 1950. The Peter Fox Sons Co., Chicago, Ill., 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 Food and Drug Administration. 117 cartons were found to be in compliance with the law and were released; 52 cartons were reworked to the legal standard of 80 percent of milk fat; and 149 cartons were converted into butter oil.

**16315. Adulteration of butter. U. S. v. 7 Cases \* \* \*. (F. D. C. No. 29002. Sample No. 51685-K.)**

**LIBEL FILED:** August 18, 1949, Southern District of West Virginia.

**ALLEGED SHIPMENT:** On or about August 1, 1949, by the Merchants Creamery Co., from Cincinnati, Ohio.

**PRODUCT:** 7 cases, each containing 32 pounds, of butter at Charleston, W. Va.

**LABEL, IN PART:** "Rose Brand Creamery Butter."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy or decomposed substance; and, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter. (Analysis disclosed that the butter was deficient in milk fat and contained mold mycelia, insect fragments, moth scales, and mites.)

**DISPOSITION:** November 18 and December 19, 1949. Default decree of condemnation. The court ordered that the product be denatured and sold by the marshal. No offer having been made for the product, the court ordered that it be delivered to a Federal institution, for use as animal feed.

**16316. Adulteration of butter. U. S. v. Arkansas City Co-Operative Milk Assn., Inc., and Carl Fitzgerald. Pleas of guilty. Corporation fined \$1,000 and individual defendant \$100 plus costs. (F. D. C. No. 29133. Sample Nos. 42157-K, 60319-K, 60332-K.)**

**INFORMATION FILED:** March 29, 1950, District of Kansas, against Arkansas City Co-Operative Milk Assn., Inc., Arkansas City, Kans., and Carl Fitzgerald, manager.

**ALLEGED SHIPMENT:** On or about June 1, 1949, from the State of Kansas into the State of Illinois.

**LABEL, IN PART:** "Creamery Butter The Peter Fox Sons Co. Distributors."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, milk fat, had been in part omitted from the product; and, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

**DISPOSITION:** May 9, 1950. Pleas of guilty having been entered, the court fined the corporation \$1,000 and the individual defendant \$100, plus costs.

**16317. Adulteration of butter. U. S. v. Ole O. Nyflot (Strandquist Creamery). Plea of guilty. Fine, \$100. (F. D. C. No. 29141. Sample No. 75904-K.)**

**INFORMATION FILED:** April 21, 1950, District of Minnesota, against Ole O. Nyflot, trading as Strandquist Creamery, Strandquist, Minn.

**ALLEGED SHIPMENT:** On or about January 27, 1950, from the State of Minnesota into the State of New York.