

CHEESE*

16721. Adulteration of cheese. U. S. v. 12 Wheels * * *. (F. D. C. No. 29367. Sample No. 57599-K.)

LABEL FILED: June 22, 1950, Southern District of New York.

ALLEGED SHIPMENT: On or about June 2, 1950, by N. Dorman & Co., Inc., from Monroe, Wis.

PRODUCT: 12 wheels of cheese, each weighing 175 to 200 pounds, at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: June 28, 1950. N. Dorman & Co., Inc., New York, N. Y., 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 reconditioning by trimming off the rind and all contaminated portions, under the supervision of the Food and Drug Administration. Of the approximately 2,300 pounds of cheese that were seized, 717 pounds of material were removed by trimming.

MISCELLANEOUS DAIRY PRODUCTS

16722. Adulteration of ice cream and adulteration and misbranding of cottage cheese and chocolate-flavored drink. U. S. v. Campbell Dairy & Ice Cream Co., a partnership, and Harold L. Murphy. Plea of guilty on behalf of partnership and plea of nolo contendere by Harold L. Murphy. Partnership fined \$100 on each of 3 counts; imposition of sentence suspended on remaining 7 counts against partnership and on all 10 counts of information against Harold L. Murphy. (F. D. C. No. 29609. Sample Nos. 75161-K to 75164-K, incl., 75166-K, 75200-K.)

INFORMATION FILED: October 4, 1950, District of New Mexico, against the Campbell Dairy & Ice Cream Co., a partnership, Clovis, N. Mex., and Harold L. Murphy, manager.

ALLEGED SHIPMENT: On or about April 24, 26, and 27, 1950, from the State of New Mexico into the State of Texas.

LABEL, IN PART: (Portions) "Campbell's Creamed Cottage Cheese" and "Campbell Ice Cream Co. Chocolate Flavored Dari-Rich Pasteurized."

NATURE OF CHARGE: Adulteration, Section 402 (a) (4), the products had been prepared, packed, and held under insanitary conditions whereby they may have become contaminated with filth.

Misbranding (cottage cheese), Section 403 (e) (1), the product failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents since the cartons were labeled "16 Oz." and contained less than 16 ounces; and, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for cottage cheese since it contained less than 4 percent by weight of

*See also No. 16722.