

milk, and preparing and processing cheese and cheese products from such milk under grossly insanitary conditions at the defendant's plant at Dubuque, Iowa; that the milk, cheese, and cheese products prepared, processed, and manufactured by the defendant consisted in whole or in part of filthy substances, and were adulterated within the meaning of Sections 402 (a) (3) and (4) of the Federal Food, Drug, and Cosmetic Act; that the adulterated products were being offered for interstate shipment at various intervals; and that various investigations had been made of the defendant's plant since on or about June 20, 1945, during which the defendant had been warned to remedy the defects in his method of operation and not to ship products so adulterated in interstate commerce, but he had failed to heed such warnings.

The complaint alleged further that the defendant would continue to ship such products in interstate commerce unless enjoined from so doing and prayed that a preliminary injunction and restraining order issue, and that after due proceedings, such order be made permanent.

DISPOSITION: On February 8, 1946, the matter came on for hearing, and a decree was entered by consent of all parties enjoining and restraining the defendant from shipping or introducing for shipment into interstate commerce any cheese or other milk products manufactured or processed by him at his plant at Dubuque, for a period of 90 days from the date of the decree, with the exception that the defendant might ship to Platteville, Wis., for storage only, cheese or other milk products so manufactured and processed by him. The cheese so shipped to Platteville, Wis., for storage, was to be reshipped to the State of Iowa only. On May 14, 1946, the court having found that the defendant had complied with the injunction decree and was at the time operating in full compliance with the law, entered an order dismissing the action.

17525. Action to enjoin and restrain the interstate shipment of adulterated cheese. U. S. v. Ehrat Cheese Co., Inc., Louis Caravetta, Charles J. Caravetta, Amerigo Caravetta, and John J. Caravetta. Decree for injunction granted. (Inj. No. 111.)

COMPLAINT FILED: On or about September 11, 1945, Northern District of Illinois, against the Ehrat Cheese Co., Inc., Chicago, Ill., and Louis Caravetta, president, Charles J. Caravetta, also known as Pasquale Caravetta, vice president, Amerigo Caravetta, secretary, and John J. Caravetta, treasurer.

NATURE OF CHARGE: That the defendants had been for several years past, and were at the time of filing the complaint, introducing and delivering for introduction into interstate commerce adulterated cheese; that the defendant corporation owned and operated the Bravo Cheese Factory at Pullman, Mich., where it received and processed raw milk into Italian types of cheese and at times into American Cheddar cheese; that the cheese was shipped from Pullman, Mich., to Chicago, Ill., where it was reshipped in interstate commerce; that the cheese so manufactured and shipped was adulterated under Section 402 (a) (3), in that it consisted in whole or in part of a filthy, putrid, or decomposed substance containing insect fragments, whole insects, hairs resembling those of rodents, cows, and cats, rodent excreta, mites, larvae, materials resembling animal feed and manure, metallic fragments, and nondescript dirt. The cheese was adulterated further under Section 402 (a) (4), in that it had been prepared, packed, and held under insanitary conditions whereby it had been and was being contaminated with filth, i. e., the defendants' plant at Pullman, Mich., was infested with rodents and insects; the tanks, hose pipes, vats, milk cans, and other equipment used in

the manufacture or processing of the cheese were dirty, insanitary, and filthy; and the milk from which the cheese was manufactured contained a high concentration of filth.

The complaint alleged further that the defendants, particularly Charles J. Caravetta, repeatedly had been advised that the conditions under which they were operating were insanitary; that cheese manufactured by them was grossly contaminated with filth and should not be introduced into interstate commerce, but that, notwithstanding, cheese manufactured by them had been seized and condemned under libels charging violation of Sections 402 (a) (3) and (4); and that on April 16, 1945, the defendant corporation pleaded guilty to an information charging the interstate shipment of adulterated cheese and was fined \$1,000. The complaint prayed that the court grant a preliminary injunction, and that after due proceedings, the preliminary injunction be made permanent.

DISPOSITION: On September 21, 1945, the defendants having consented to the entry of a decree, the court entered an order enjoining and restraining the defendants and all persons acting upon their behalf from introducing into interstate commerce, either directly or indirectly, cheese adulterated as alleged in the complaint.

17526. Action to enjoin and restrain the interstate shipment of adulterated cheese. U. S. v. Albert M. Feiner (Ethan Dairy Products). Preliminary injunction granted. (Inj. No. 94.)

COMPLAINT FILED: April 30, 1945, District of South Dakota, against Albert M. Feiner, doing business as Ethan Dairy Products, Ethan, S. Dak.

NATURE OF CHARGE: That the defendant manufactured cheese at the rate of approximately 800 pounds per day, of which approximately 100 percent was introduced or delivered for introduction into interstate commerce by the defendant; and that during the period from June 11, 1942, and continuing to the time of filing the complaint, the cheese so manufactured and introduced, or delivered for introduction, into interstate commerce by the defendant was adulterated in the following respects: Section 402 (a) (3), it consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth.

The complaint alleged further as a basis for the charge that the product was adulterated under Section 402 (a) (3), that inspections of the milk being used in the manufacture of the cheese showed that it contained weevils, houseflies, fruit flies, moths, a spider, other insects, cow hairs, straw, chaff, soot, dust, mud, sand, rust, wood, paint, manure, vegetable and plant matter, and nondescript dirt; and that examinations of the cheese which was shipped by the defendant in interstate commerce revealed that the product was contaminated by the presence of insect fragments, rodent hair fragments, cat hair fragments, cow hair fragments, unidentified hairs, feather barbules, straw fragments, plant fragments, sand, soot, rust, metal fragments, and miscellaneous dirt.

The complaint alleged further as a basis for the charge that the product was adulterated under Section 402 (a) (4), that inspections of the plant disclosed that it was infested with mice, flies, and a cat, all of which had been observed in the machinery and equipment used in the manufacture of the product.