

Misbranding, Section 403 (a), the label statement "Grated Cheese" was false and misleading since the product did not consist of grated cheese but did consist of a mixture of grated cheese and a product other than cheese.

DISPOSITION: September 24, 1951. A plea of nolo contendere having been entered, the court imposed a fine of \$200.

17564. Adulteration of cheese curd. U. S. v. Vineland Cheese Co., a corporation, and Salvatore Maggio (Serafino F. Maggio). Pleas of guilty. Corporation fined \$250. Sentence suspended against individual and individual placed on 2 years' probation. (F. D. C. No. 29111. Sample No. 48621-K.)

INFORMATION FILED: October 10, 1950, District of New Jersey, against the Vineland Cheese Co., Vineland, N. J., and Salvatore Maggio, also known as Serafino F. Maggio.

ALLEGED SHIPMENT: On or about October 21, 1949, from the State of New Jersey into the State of Pennsylvania.

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

DISPOSITION: April 20, 1951. Pleas of guilty having been entered, the corporation was fined \$250. Imposition of sentence was suspended against the individual defendant, and he was placed on probation for a 2-year period.

EGGS AND EGG PRODUCTS

17565. Adulteration of eggs. U. S. v. Wendell G. Mezick. Plea of guilty. Fine of \$100 and costs. (F. D. C. No. 29608. Sample Nos. 81069-K, 81178-K.)

INFORMATION FILED: August 4, 1950, District of Maryland, against Wendell G. Mezick, Fruitland, Md.

ALLEGED SHIPMENT: On or about May 1, 1950, from the State of Maryland into the State of Pennsylvania.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of decomposed eggs.

DISPOSITION: May 11, 1951. A plea of guilty having been entered, the defendant was fined \$100, together with costs.

17559. Adulteration of butter. U. S. v. 11 Boxes (748 pounds) * * *. (F. D. C. No. 30809. Sample No. 24099-L.)

LABEL FILED: February 23, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about January 22, 1951, by Robert Koch, from Omaha, Nebr.

PRODUCT: 1,360 pounds of whole egg powder in 7 barrels at New York, N. Y.

LABEL, IN PART: (Barrel) "Ben Goldenberg, Inc. 363 Greenwich St., 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 splinters, brush fibers, paint fragments, metal fragments, cigarette butts, and other extraneous material.

DISPOSITION: April 23, 1951. Default decree of condemnation and destruction.

17567. Adulteration and misbranding of whole egg powder. U. S. v. 10 Cases
* * *. (F. D. C. No. 30846. Sample Nos. 24105-L, 24110-L.)

LIBEL FILED: March 20, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about February 21, 1951, by J. Rosenblum & Sons, from Paterson, N. J.

PRODUCT: 10 cases, each containing 24 cans, of whole egg powder at New York, N. Y.

LABEL, IN PART: (Can) "Lakeview Brand Whole Egg Powder 8 Oz. Net Wt."

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 hairs and wood splinters.

Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. The packages contained less than the declared weight.

DISPOSITION: April 9, 1951. Default decree of condemnation and destruction.

17568. Adulteration and misbranding of whole egg powder. U. S. v. 6 Cases
(and 1 other seizure action). (F. D. C. Nos. 30744, 30753. Sample Nos. 24101-L, 24104-L, 24108-L, 24109-L.)

LIBELS FILED: March 16 and 20, 1951, Southern and Eastern Districts of New York.

ALLEGED SHIPMENT: On or about November 2 and 9 and December 20 and 31, 1950, from Omaha, Nebr., Spirit Lake, Iowa, and Manning, Iowa.

PRODUCT: Whole egg powder. 6 cases at New York, N. Y., and 15 cases at Brooklyn, N. Y., each case containing 24 cans labeled "8 Oz. Net Wt."

RESULTS OF INVESTIGATION: The product was shipped in bulk and was re-packaged by the Lakeview Dairy Products, Inc., New York, N. Y.

LABEL, IN PART: "Lakeview Brand Whole Egg Powder."

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 insect fragments, rodent hair fragments, wood splinters, and plant fragments.

Misbranding, Section 403 (e) (2), the product was a food in package form, and it failed to bear a label containing an accurate statement of the quantity of the contents. The cans contained less than the declared amount.

The product was adulterated and misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: April 9 and 30, 1951. Default decrees of condemnation and destruction.

17569. Adulteration of whole egg powder and misbranding of butter. U. S. v. 5 Cases, etc. (F. D. C. No. 30768. Sample Nos. 3555-L, 3556-L.)

LIBEL FILED: On or about March 8, 1951, District of Maryland.

ALLEGED SHIPMENT: On or about January 3 and 30, 1951, by Lakeview Dairy Products, Inc., from New York, N. Y.

PRODUCT: 5 cases, each containing 24 1-pound cans of butter, and 297 8-ounce cans of egg powder, at Baltimore, Md.