

DAIRY PRODUCTS**BUTTER**

18368. Adulteration of butter. U. S. v. Armour & Co. Plea of nolo contendere.
Fine of \$500, plus costs. (F. D. C. No. 31583. Sample No. 11538-L.)

INFORMATION FILED: February 5, 1952, Western District of Kentucky, against Armour & Co., Louisville, Ky.

ALLEGED SHIPMENT: On or about August 15, 1951, from the State of Kentucky into the State of North Carolina.

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 insects, insect fragments, fly fragments, rodent hair fragments, and plant fragments, and of a decomposed substance by reason of the use of decomposed cream in the manufacture of the product.

DISPOSITION: April 23, 1952. A plea of nolo contendere having been entered, the defendant was fined \$500, plus costs.

18369. Adulteration of butter. U. S. v. Sugar Creek Creamery Co. Plea of nolo contendere. Fine of \$250, plus costs. (F. D. C. No. 31586. Sample Nos. 10939-L, 10940-L.)

INFORMATION FILED: March 11, 1952, Southern District of Indiana, against the Sugar Creek Creamery Co., Evansville, Ind.

ALLEGED SHIPMENT: On or about August 7, 1951, from the State of Indiana into the State of Kentucky.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance since it was made from decomposed cream; Section 402 (b) (1), a valuable constituent, milk fat, had been in part omitted; and, Section 402 (b) (2), a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: April 21, 1952. A plea of nolo contendere having been entered, the defendant was fined \$250, plus costs.

CHEESE*

18370. Adulteration and misbranding of Cheddar cheese. U. S. v. 370 Boxes, etc. (F. D. C. Nos. 31355, 31413, 31414. Sample Nos. 5643-L, 5647-L, 5648-L.)

LIBELS FILED: July 16 and August 1, 1951, District of Massachusetts.

ALLEGED SHIPMENT: On or about June 6, 14, and 19, 1951, by the Cabot Farmers' Cooperative Creamery Co., Inc., from Cabot, Vt.

PRODUCT: 750 boxes, each containing from 30 to 38 pounds, of Cheddar cheese at Boston, Mass., and 400 boxes, each containing from 30 to 37 pounds, of Cheddar cheese at Worcester, Mass.

LABEL, IN PART: "American Cheddar Cheese."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product which contained less than 50 percent of milk fat in its solids and a portion (370 boxes) which contained more than 39 percent of moisture had been substituted for Cheddar cheese.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for Cheddar cheese since its solids contained

*See also No. 18396.

less than 50 percent of milk fat, the minimum milk fat provided by the standard, and a portion contained more than 39 percent of moisture, the maximum provided by the standard.

DISPOSITION: December 18, 1951. The actions having been consolidated and Cabot Farmers' Cooperative Creamery Co., Inc., and Wilson & Co. having intervened as claimants for the respective portions of the product, judgment of condemnation was entered and the court ordered that the product be released under bond, conditioned that the substandard portion be segregated from the portion that conformed with the standard and be reworked into pasteurized cheese. Of the 1,150 flats that were seized, 443 were found to conform with the standard, and the remainder were reprocessed to bring them up to the standard.

18371. Misbranding of process cheese. U. S. v. 42 Boxes, etc. (F. D. C. No. 32210. Sample Nos. 26656-L, 26657-L.)

LABEL FILED: December 4, 1951, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about November 13 and 19, 1951, by Sunette Foods, Inc., from New York, N. Y.

PRODUCT: Process cheese. 42 5-pound boxes and 36 6-pound boxes at Philadelphia, Pa.

LABEL, IN PART: "Sunette Brand [or "Meadow Brands"] Pasteurized Process American Cheese."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for pasteurized process American cheese since it contained in its solids less than 50% of milk fat.

DISPOSITION: March 26, 1952. The shipper 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 reprocessed under the supervision of the Food and Drug Administration.

MISCELLANEOUS DAIRY PRODUCT

18372. Misbranding of evaporated milk. U. S. v. 448 Cases * * *. (F. D. C. No. 31897. Sample No. 2925-L.)

LABEL FILED: October 15, 1951, Southern District of West Virginia.

ALLEGED SHIPMENT: On or about April 12, 1951, by the Nashville Milk Co., from Nashville, Ill.

PRODUCT: 448 cases, each containing 48 cans, of evaporated milk at Ripley, W. Va.

LABEL, IN PART: (Can) "Forest Park Brand Evaporated Milk Net Weight 14½ Oz. Equiv. 13 Oz. Liquid."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article was in package form and failed to bear a label containing an accurate statement of the quantity of the contents. (The article was found to be short of the declared weight and volume).

DISPOSITION: November 29, 1951. The Nashville Milk Co., 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, conditioned that it be brought into compliance with the law, under the supervision of the Federal