

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Pasteurized" was false and misleading as applied to the article, which was made from milk which had not been pasteurized.

Further misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for cheddar cheese since milk used in the manufacture of the article had not been pasteurized and the article had not been cured at a temperature of not less than 35° F. for a period of not less than 60 days. The definition and standard provide that if the milk used in the manufacture of cheddar cheese is not pasteurized, the cheese so made is cured at a temperature of not less than 35° F. for a period of not less than 60 days.

Further misbranding, Section 403 (g) (1), the article failed also to conform to the definition and standard of identity for cheddar cheese since it contained in its solids less than 50 percent of milk fat, the minimum permitted by the definition and standard.

DISPOSITION: July 28, 1953. Minerva Dairy, Inc., 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 Department of Health, Education, and Welfare.

FISH AND SHELLFISH

20670. Adulteration of frozen winter carp (buffalo fish). U. S. v. 421 Pounds * * *. (F. D. C. No. 35385. Sample No. 50115-L.)

LIBEL FILED: August 18, 1953, Southern District of New York.

ALLEGED SHIPMENT: On or about March 10 and 18, 1953, from Rosedale, La., and Vicksburg, Miss.

PRODUCT: 421 pounds of frozen winter carp (buffalo fish) at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: September 9, 1953. Default decree of condemnation and destruction.

20671. Adulteration of crabmeat. U. S. v. 17 Cans, etc. (F. D. C. No. 35548. Sample Nos. 72292-L, 72293-L.)

LIBEL FILED: August 10, 1953, District of Columbia.

ALLEGED SHIPMENT: On or about August 4, 1953, by the Fulton Fish Co., from Jacksonville, Fla.

PRODUCT: 63 1-pound cans of crabmeat at Washington, D. C.

LABEL, IN PART: (Can) "Atlantic Pride Seafoods Deluxe [or "Backfin"] Crab Meat."

NATURE OF CHARGE: Adulteration, Section 402 (a) (4), the article had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth or may have been rendered injurious to health.

DISPOSITION: August 28, 1953. Default decree of condemnation. The court ordered that the product be destroyed or that it be delivered to the National Zoological Park for its use but not for sale.