

testimony was stricken out.' We regard as of no substance the appellants' contention that the Court referred to 'the testimony' rather than the prosecution's questioning as to such fines. Indeed that was the very language in which the defense request was framed. Moreover, the defense had requested merely that 'this testimony' should be disregarded as to the individual defendant, but the Court struck it out for all purposes.

"We find no prejudicial error in the Government's interrogation of the defense character witnesses.

"Nor do we find error in the specificity with which the prosecution's questions as to the departmental fines were put. The questions asked of the witness Ludwig were in the conventional general form. Those put to the witness Sofoul, all of which elicited negative answers, were within the bounds held proper in *Michelson, supra*. Moreover, even under the so-called Illinois Rule, which Michelson declined to follow, the questions to Sofoul would not be improper since they related to infractions similar in nature to those for which the defendants were on trial. See *Michelson supra*, footnote 4 at pages 473-474.

"The remaining points raised by the appellants which relate to their being suspect of having mixed oleomargarine with butter; to the use by some of the Government witnesses of their investigation notes as an aid in testifying; to the proffer of certain affidavits in connection with the testimony of two witnesses who were called on transactions involved in the charges under the first and second Counts of the information, on which the defendants were acquitted; to the examination of Inspector North; and to the prosecution's summation, we deem all too trivial to warrant discussion. The defendants had a fair trial, and in our opinion the jury's verdict could hardly have been otherwise.

"Affirmed."

22311. Butter. (F. D. C. No. 37234. S. Nos. 58-758 L, 65-989 L.)

INFORMATION FILED: 3-18-55, Dist. Nebr., against Fairmont Foods Co., a corporation, Omaha, Nebr.

SHIPPED: 8-6-54, from Nebraska into Illinois.

CHARGE: 402 (a) (3)—contained a decomposed substance by reason of the use of decomposed cream in the manufacture of the article.

PLEA: Nolo contendere.

DISPOSITION: 5-26-55. \$250 fine, plus costs.

CHEESE

22312. Cheddar cheese. (F. D. C. No. 37233. S. No. 88-040 L.)

INDICTMENT RETURNED: 5-3-55, S. Dist. Ill., against Louis Alleman, t/a Aledo Cheese Co., Aledo, Ill.

SHIPPED: 9-17-54, from Illinois to Pennsylvania.

LABEL IN PART: (Carton) "Illinois Cheddar Cheese Made from Pasteurized Milk Approved Plant #581."

CHARGE: 402 (a) (3)—contained insect fragments, manure, and feather fragments, and was prepared from filth-contaminated milk; and, 402 (a) (4)—prepared under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 6-28-55. \$2,500 fine, plus costs.

22313. Cheddar cheese. (F. D. C. No. 36002. S. Nos. 83-367/8 L, 83-866 L.)

QUANTITY: 80 70-lb. boxes and 40 75-lb. cheeses at Monroe, Wis.

SHIPPED: 9-22-53 and 9-25-53, from Cissna Park, Ill., by Cissna Park Cheese Co.

LABEL IN PART: (Box) "Illinois Cheddar Cheese Plant 526."

LIBELED: 12-3-53, W. Dist. Wis.

CHARGE: 402 (a) (3)—when shipped it contained insect fragments and manure fragments and was prepared from filthy milk.

DISPOSITION: On 1-18-54, Cissna Park Cheese Co., claimant, filed an answer denying that the cheese was adulterated as alleged. Interrogatories then were served upon the claimant by the Government and subsequently were answered. Thereafter, the Government filed a motion for a summary judgment on the ground that there was no genuine issue as to any material fact. The court, on 10-4-55, granted the Government's motion and ordered that the article be condemned. The cheese was denatured for use as fish bait.

22314. Washed curd cheese. (F. D. C. No. 37230. S. Nos. 88-285 L, 88-300 L, 88-309 L.)

INFORMATION FILED: 3-22-55, N. Dist. N. Y., against Ontario Cheese Factory Association, an unincorporated association, Smithville, N. Y.

ALLEGED VIOLATION: On 5-22-53, the defendant gave to a firm engaged in the business of shipping cheese in interstate commerce a guaranty to the effect that cheese shipped by it under the guaranty would not be adulterated or misbranded. Between 6-24-54 and 8-6-54, the defendant caused to be shipped to the holder of the guaranty, at Carthage, N. Y., quantities of washed curd cheese which were adulterated.

CHARGE: 402 (a) (3)—contained manure fragments, cow hairs, insect fragments, and rodent hair fragments, and was prepared from filth-contaminated milk; and, 402 (a) (4)—prepared under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 5-3-55. \$250 fine.

22315. Grated cheese. (F. D. C. No. 37244. S. Nos. 88-103 L, 88-110 L.)

INFORMATION FILED: 2-18-55, E. Dist. Pa., against M. Wildstein & Sons, a partnership, t/a New Yorker Cheese Co., Philadelphia, Pa.

SHIPPED: Between 7-16-54 and 7-30-54, from Pennsylvania to Maryland and Virginia.

LABEL IN PART: (Jar) "New Yorker Grated Cheese Parmesan Style * * * Net Wt. 2 Oz. Packed by New Yorker Cheese Co. Phila., Pa." and "Stuart Crest Brand Parmesan Style Grated Cheese * * * 14 Oz. Net. Distributed by W. M. Gary Grocery Co., Inc. Richmond, Va."

CHARGE: 402 (a) (3)—contained insects and insect parts; and, 402 (a) (4)—prepared under insanitary conditions.

PLEA: Nolo contendere.

DISPOSITION: 4-28-55. \$300 fine.

MISCELLANEOUS DAIRY PRODUCTS

22316. Ice cream. (F. D. C. No. 37224. S. No. 63-739 L.)

INFORMATION FILED: 2-7-55, S. Dist. Ill., against Miller-Hygrade Ice Cream Co., a corporation, Quincy, Ill., and Elmer H. Miller, president.