

CHARGE: 402(a)(3)—contained insects while held for sale.

DISPOSITION: 12-9-63. Default—destruction.

29338. Unpopped popcorn. (F.D.C. No. 49561. S. No. 32-265 X.)

QUANTITY: 400 50-lb. bags, at Los Angeles, Calif., in possession of Pop-Corn Crib, Inc.

SHIPPED: 10-7-63, from North Bend, Nebr.

LIBELED: 12-12-63, S. Dist. Calif.

CHARGE: 402(a)(3)—contained rodent excreta pellets, rodent hairs, rodent-gnawed corn, and insects; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 2-11-64. Consent—claimed by Pop-Corn Crib, Inc., of Los Angeles, Calif., and converted into animal feed.

DAIRY PRODUCTS

BUTTER

29339. Butter. (F.D.C. No. 47654. S. No. 39-416 X.)

QUANTITY: 15 60-lb. ctns. at New York, N.Y.

SHIPPED: 7-31-63, from Readlyn, Iowa, by Northeast Iowa Cooperative Creameries Association.

LABEL IN PART: (Ctn.) "The Name Tells The Grade CREMOLAND SWEET CREAM BUTTER Sole Distributor Zenith-Godley Company, Inc., New York * * * Better Quality Butter."

RESULTS OF INVESTIGATION: Investigation of the manufacturer of the butter, Tripoli Coop. Creamery Co., Tripoli, Iowa, revealed that the firm was using filthy cream in the churn from which the above butter was taken.

LIBELED: On or about 8-16-63, S. Dist. N.Y.

CHARGE: 402(a)(3)—contained a filthy substance when shipped.

DISPOSITION: 9-24-63. Default—destruction.

29340. Whipped butter. (F.D.C. No. 47645. S. Nos. 30-553/4 V.)

QUANTITY: 83 cases (45 of salted whipped butter and 38 of unsalted whipped butter), each case containing 32 ctns., at Inglewood, Calif.

SHIPPED: 11-17-62, from Chicago, Ill., by National Cheese Co.

LABEL IN PART: (Ctn.) "One Half Lb. Salted [or "SWEET (Unsalted)"] DAISY BRAND Whipped butter * * * 8 Oz. Net Wt. * * * Distr. by Whipped Butter Products, Inc., Inglewood, Calif."

RESULTS OF INVESTIGATION: Analysis showed that the unsalted whipped butter was approximately 2 percent short weight and the salted whipped butter was approximately 2½ percent short weight.

LIBELED: 1-4-63, S. Dist. Calif.; libel amended 2-5-63.

CHARGE: 403(e)(2)—when shipped, the articles failed to bear an accurate statement of the quantity of contents, since the label statement "8 Oz. Net" was inaccurate; 403(a)—the label statement "Less Calories Per Serving" was false and misleading because, when considered in the setting in which presented, it implied that the articles had less calories than butter generally; and 402(a)(3)—the unsalted whipped butter contained a decomposed substance.