

55. Adulteration of butter. U. S. v. 14 Cases of Butter. Default decree of condemnation and destruction. (F. D. C. No. 821. Sample No. 82939-D.)

Samples of this product were found to contain mold.

On October 21, 1939, the United States attorney for the Northern District of Georgia filed a libel against 14 cases of butter at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about October 19, 1939, by Mountain Valley Creamery from Brasstown, N. C.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Kingan's Reliable Pure Creamery Butter * * * Packed for Kingan & Co."

On November 15, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

CHEESE

56. Misbranding of grated cheese. U. S. v. 76 Dozen Cans of Grated Cheese. Decree of condemnation. Product released under bond for relabeling. (F. D. C. No. 441. Sample No. 47908-D.)

The packages of this product contained less than the declared weight. They were also deceptive in that they were filled only to about one-half of their capacity.

On August 17, 1939, the United States attorney for the District of Maryland filed a libel against 76 dozen cans of grated cheese at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about July 11, 1939, by Italian Cheese Co., Inc., from Brooklyn, N. Y.; and charging that it was misbranded. The article was labeled in part: "Icco Brand Grated Cheese * * * Contents 1½ Oz. Avoir."

Misbranding was alleged in that the labeling of the article was false and misleading, since the packages did not contain 1½ ounces but did contain a smaller amount; in that its container was so filled as to be misleading; and in that it was in package form and its label did not contain an accurate statement of the quantity of contents.

On September 26, 1939, a claim and answer having been filed and the case having come up for hearing, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of this Department and be made to comply with the law in all respects.

57. Misbranding of grated cheese. U. S. v. 22 Cartons of Grated Cheese. Default decree of condemnation and destruction. (F. D. C. No. 564. Sample No. 69848-D.)

The containers of this product were slack-filled, the cans examined having been found to contain an average of 51 percent of their capacity.

On September 7, 1939, the United States attorney for the District of New Jersey filed a libel against 22 cartons, each containing 12 cans of grated cheese, at Atlantic City, N. J., alleging that the article had been shipped in interstate commerce on or about August 16, 1939, by M. Wildstein & Sons, Inc., from Philadelphia, Pa.; and charging that it was misbranded. The article was labeled in part: "New Yorker Brand Italian Style Grated Cheese New Yorker Cheese Company, Phila., Penn."

It was alleged to be misbranded in that its container was so made, formed, and filled as to be misleading.

On October 5, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

CREAM

58. Adulteration of cream. U. S. v. Three 10-Gallon Cans of Cream. Consent decree of condemnation and destruction. (F. D. C. No. 346. Sample No. 35170-D.)

This product was in whole or in part filthy or decomposed.

On July 26, 1939, the United States attorney for the District of Maryland filed a libel against three 10-gallon cans of cream at Middletown, Md., alleging that the articles had been shipped in interstate commerce on or about July 24, 1939, by E. J. Keller from Washington, D. C.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance.

On July 28, 1939, the consignee having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.