

## CHEESE

**2395. Adulteration of cheese. U. S. v. 101 and 348 Cases of Cheese. Default decree of condemnation and destruction.** (F. D. C. No. 5436. Sample Nos. 53186-E, 53187-E.)

This product contained rodent hairs and insect fragments.

On August 22, 1941, the United States attorney for the Southern District of California filed a libel against 449 cases, each containing 8 loaves of cheese, at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about July 30, 1941, by the Frink Creamery Co. from Fort Collins, Colo.; and charging that it was adulterated. The article was labeled in part: (Loaves) "Mountain Kist Brand Danish Export Type Part Skim Cheese."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On October 3, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2396. Misbranding of cheese. U. S. v. 16½ Boxes of Cheddar Cheese. Default decree of condemnation and destruction.** (F. D. C. No. 4939. Sample No. 58500-E.)

This product contained less milk fat than that required by the standard, which provides that the solids of Cheddar cheese shall contain not less than 50 percent of milk fat.

On June 14, 1941, the United States attorney for the Western District of Wisconsin filed a libel against 16½ boxes of Cheddar cheese at Ashland, Wis., alleging that the article had been shipped in interstate commerce on or about April 17, 1941, by the Ironwood Co-op. Creamery Association from Ironwood, Mich.; and charging that it was misbranded. It was labeled in part: "Michigan 186 White Cheddars."

The article was alleged to be misbranded in that the statements, (box) "White Cheddars" and (stamped on cheese) "Cheddar Cheese," were false and misleading as applied to an article deficient in milk fat; in that it was offered for sale under the name of another food; in that it was in package form and did not bear a label containing the name and place of business of the manufacturer, packer, or distributor, and did not bear a label containing an accurate statement of the quantity of the contents; and in that it purported to be Cheddar cheese, a food for which a definition and standard of identity had been prescribed by regulations as provided by law, but it failed to conform to such definition and standard, since its solids contained less than 50 percent of milk fat.

On October 7, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

## EGGS

Nos. 2397 to 2401 report actions based on interstate shipments of eggs that were in whole or in part decomposed.

**2397. Adulteration of frozen eggs. U. S. v. Puget Sound Egg Packers. Plea of nolo contendere. Judgment of guilty. Fine, \$50.** (F. D. C. No. 4179. Sample No. 13699-E.)

On August 22, 1941, the United States attorney for the Western District of Washington filed an information against Puget Sound Egg Packers, a corporation, Tacoma, Wash., alleging delivery on or about July 19, 1941, for introduction in interstate commerce from the State of Washington into the Territory of Hawaii, of a quantity of frozen eggs that were adulterated.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, putrid, and decomposed substance.

On September 9, 1941, a plea of nolo contendere having been entered, the court found the defendant guilty and imposed a fine of \$50.

**2398. Adulteration of frozen whole eggs. U. S. v. 14 Cans of Whole Eggs. Default decree of condemnation and destruction.** (F. D. C. No. 4852. Sample No. 56909-E.)

On May 31, 1941, the United States attorney for the District of New Jersey filed a libel against 14 cans of frozen whole eggs at Jersey City, N. J., alleging

that the article had been shipped in interstate commerce on or about May 18, 1941, by the Highway Butter & Egg Co. from Indianapolis, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a putrid and decomposed substance.

On September 5, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2399. Adulteration and misbranding of frozen whole eggs. U. S. v. 77 and 100 Cans of Whole Eggs. Consent decree of condemnation. Product ordered released under bond for segregation and destruction or denaturing of unfit portion.** (F. D. C. No. 5299. Sample Nos. 56931-E, 56932-E.)

On August 6, 1941, the United States attorney for the District of New Jersey filed a libel against 177 cans, each containing 30 pounds, of whole eggs at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about June 19 and 21, 1941, from Kansas City, Mo., by Leo Stein; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed substance.

It was alleged to be misbranded in that it was in package form and did not bear a label containing the name and place of business of the manufacturer, packer, or distributor.

On October 7, 1941, the H. L. Barker Co., Inc., Jersey City, N. J., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that the unfit portion be segregated and disposed of by destruction or for some purpose other than human consumption.

**2400. Adulteration of frozen whole eggs. U. S. v. 15 Cans of Frozen Whole Eggs. Default decree of condemnation and destruction.** (F. D. C. No. 6093. Sample No. 56987-E.)

On October 29, 1941, the United States attorney for the Southern District of New York filed a libel against 15 cans of frozen whole eggs at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about October 16, 1941, by Barney Weiner; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On November 28, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2401. Adulteration of liquid egg yolk. U. S. v. 6 Cans of Egg Yolks. Default decree of condemnation and destruction.** (F. D. C. No. 4846. Sample No. 61008-E.)

On May 29, 1941, the United States attorney for the Western District of Washington filed a libel against 6 cans of egg yolks at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about May 21, 1941, by the Portland Egg & Poultry Co. from Portland, Oreg.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance.

On September 29, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2402. Adulteration and misbranding of egg yolk. U. S. v. 4 Cases and 1 Case of Egg Yolk. Consent decree of condemnation. Product ordered released under bond to be reprocessed and relabeled.** (F. D. C. No. 4947. Sample Nos. 69061-E, 69062-E, 69065-E, 69066-E, 69067-E.)

This product was represented to be dried egg yolk; whereas it consisted of a mixture of dried egg yolk, soybean flour, and carotin.

On June 19, 1941, the United States attorney for the Eastern District of New York filed a libel against 5 cases, each containing 200 pounds, of egg yolk at Brooklyn, N. Y., alleging that the article had been imported from China within the period from on or about June 15, 1939, to on or about July 29, 1940; and charging that it was adulterated and misbranded. It was labeled in part: "Spray Hen Egg Yolk Packed by Hongkong Export Co."; or "Egg Yolk."

The article was alleged to be adulterated in that a spray-dried egg yolk containing soybean flour with added carotin had been substituted wholly or in part for spray hen egg yolk; and in that soybean flour with added carotin had been added to the article or mixed or packed therewith so as to reduce