

2866. Adulteration of butter. U. S. v. 24 Cartons of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked.
(F. D. C. No. 6049. Sample No. 56969-E.)

On October 6, 1941, the United States attorney for the Southern District of New York filed a libel against 24 cartons, each containing approximately 64 pounds, of butter at New York, N. Y., alleging that the article had been shipped on or about September 25, 1941, by Landsberger Creamery & Produce Co., from Sisseton, S. Dak.; and charging that it was adulterated in that it contained less than 80 percent by weight of milk fat. The article was labeled in part: "Butter * * * Zenith-Godley Co. N. Y."

On October 23, 1941, Landsberger Creamery & Produce Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration so that it contain at least 80 percent of milk fat.

2867. Adulteration of butter. U. S. v. 12 Cartons of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked.
(F. D. C. No. 6530. Sample No. 76472-E.)

On December 1, 1941, the United States attorney for the District of Massachusetts filed a libel against 12 60-pound cartons of butter at Somerville, Mass., alleging that the article had been shipped on or about November 25, 1941, by Northwest Dairy Forwarding Co. from Duluth, Minn.; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by law. The article was labeled in part: "Pipestone Produce Company Somerville, Massachusetts."

On December 18, 1941, Pipestone Produce Co., of Minnesota, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration.

2868. Misbranding of butter. U. S. v. J. Eastman Hatch, Trustee in Bankruptcy of the Mutual Creamery Co. Plea of guilty. Fines totaling \$32.
(F. D. C. No. 5518. Sample Nos. 44395-E, 44397-E, 65214-E, 65216-E, 65230-E, 65231-E, 65709-E, 65711-E.)

This product was short weight.

On November 29, 1941, the United States attorney for the District of Utah filed an information against J. Eastman Hatch, trustee in bankruptcy of the Mutual Creamery Co., a corporation at Salt Lake City, Utah, alleging shipment within the period from on or about April 15 to on or about May 13, 1941, from the State of Utah into the State of Nevada, of quantities of butter that was misbranded. It was labeled in part: "Maid O' Clover Four-in-One Brand [or "Maid O' Clover Brand Sweet Cream"] Butter Distributed by Mutual Creamery Company * * * Salt Lake City, Utah," or "Fresh Churned Creamery Butter Distributed by O. P. Skaggs * * * Salt Lake City, Utah."

The article was alleged to be misbranded (1) in that the statements, "One Pound Net," "Net Wgt. 1 Lb.," or "1 Lb. Net," appearing on the cartons, were false and misleading since they represented that each of the cartons contained 1 pound net of butter, whereas each carton did not contain 1 pound net of butter, but did contain a smaller amount; and (2) in that it was in package form and its label failed to bear an accurate statement of the quantity of the contents in terms of weight.

On December 20, 1941, a plea of guilty having been entered by the defendant, the court imposed a fine of \$25 on the first count and a fine of \$1 on each additional count, totaling \$32.

2869. Misbranding of butter. U. S. v. 152 Boxes of Butter. Product ordered released under bond. (F. D. C. No. 6379. Sample No. 53574-E.)

This product was short of the declared weight.

On October 22, 1941, the United States attorney for the District of Arizona filed a libel against 152 boxes, each containing 30 packages, of butter at Phoenix, Ariz., alleging that the article had been shipped in interstate commerce on or about October 17, 1941, by Dickey Davis Co. from Tulia, Tex.; and charging that it was misbranded in that the cartons did not contain 1 pound net as labeled. The article was labeled in part: (Cartons) "Rainbow Butter * * * Churned By Swisher Creamery, Inc. Tulia, Texas."

On October 27, 1941, the court ordered that the product be released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration.

CHEESE

2870. Adulteration of Cheddar cheese. U. S. v. 26 and 54 Boxes of Cheddar Cheese. Default decree of condemnation and destruction. (F. D. C. No. 6066. Sample Nos. 58892-E, 58900-E.)

This product contained insect fragments.

On October 23, 1941, the United States attorney for the Northern District of Iowa filed a libel against 80 boxes of Cheddar cheese at Sioux City, Iowa, alleging that the article had been shipped in interstate commerce on or about October 7, 1941, by Urevig Green [Edgar Urevig] and Clyde Green, managers of the Granada Cheese Factory and Brush Creek Cheese Factory, from Granada and Bricelyn, Minn.; and charging that it was 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 November 7, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2871. Adulteration of cheese. U. S. v. 19 Cases of Cheddar Cheese. Consent decree of condemnation and destruction. (F. D. C. No. 6032. Sample No. 65893-E.)

Examination of this product showed the presence of rodent hairs, feather barbules, and nondescript dirt.

On December 15, 1941, the United States attorney for the District of Wyoming filed a libel against 19 cases of Cheddar cheese at Rock Springs, Wyo., alleging that the article had been shipped in interstate commerce on or about September 24, 1941, by the Mutual Creamery Co. from Randolph, Utah; and charging that it was adulterated in that it consisted wholly 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. The article was labeled in part: "OSPO Maid O'Clover Quality First Whole Milk Cheddar."

On November 21, 1941, the consignor and consignee having accepted service and having authorized the entry of final decree, judgment of condemnation was entered and the product was ordered destroyed.

CREAM

Nos. 2872 to 2875 report the seizure and disposition of cream that was contaminated because of the presence of filth or decomposition.

2872. Adulteration of cream. U. S. v. 4 10-Gallon Cans of Cream. Consent decree of destruction. (F. D. C. No. 5738. Sample No. 42472-E.)

On August 12, 1941, the United States attorney for the Western District of Pennsylvania filed a libel against 4 10-gallon cans of cream at Pittsburgh, Pa., alleging that the article had been shipped on or about August 8, 1941, by various shippers as follows: J. T. Fisher & Son, Poolesville, Md.; Fairmont Creamery Co., Strasburg, Va.; Dewey Tallman, Pennsboro, W. Va.; and L. H. Cutlip, Gassaway, W. Va.

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

On August 12, 1941, the consignee having requested the immediate destruction of the product, judgment was entered ordering that it be destroyed.

2873. Adulteration of cream. U. S. v. 5 5-Gallon Cans of Cream. Consent decree of destruction. (F. D. C. No. 5736. Sample No. 42470-E.)

On August 12, 1941, the United States attorney for the Western District of Pennsylvania filed a libel against 5 5-gallon cans of cream at Pittsburgh, Pa., alleging that the article had been shipped on or about August 6, 1941, by various shippers as follows: Anna Dennis, Forest Hill, Md.; Robert Taylor, Terra Alta, W. Va.; A. M. Bowmar, Tunnelton, W. Va.; W. J. Price, Montrose, W. Va.; and Ode Rosier, Parsons, W. Va.

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

On August 12, 1941, the claimant having consented to the entry of a decree, judgment was entered ordering that the product be destroyed.