

3694. Adulteration of butter. U. S. v. 14 Boxes of Butter. Consent decree of condemnation. Product ordered released under bond to be reconditioned.
(F. D. C. No. 6223. Sample No. 76080-E.)

On November 4, 1941, the United States attorney for the District of Minnesota filed a libel against 14 boxes, each containing 66 pounds, of butter at St. Paul, Minn., alleging that the article had been shipped in interstate commerce on or about October 28, 1941, by Eureka Creamery from Eureka, S. Dak.; and charging that it was adulterated in that a valuable constituent, milk fat, had been in whole or in part omitted or abstracted therefrom, and in that an article containing less than 80 percent by weight of milk fat had been substituted wholly or in part for butter. The article was labeled in part: "N. D. P. Packed for National Butter Co. Dubuque, Iowa."

On March 2, 1942, the Eureka Creamery, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reconditioned to comply with the law.

3695. Adulteration of butter. U. S. v. 74 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked.
(F. D. C. No. 6905. Sample No. 62398-E.)

On February 6, 1942, the United States attorney for the Northern District of Illinois filed a libel against 74 63-pound tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on January 17, 1942, by O. G. Harp Poultry & Egg Co. from Shawnee, Okla.; and charging that it was adulterated. It was labeled in part: "Creamery Butter The Peter Fox Sons Co. Distributors."

The article was alleged to be adulterated in that an article containing less than 80 percent by weight of milk fat had been substituted for butter.

On February 27, 1942, the Peter Fox Sons Co., Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked under the supervision of the Food and Drug Administration.

3696. Adulteration of butter. U. S. v. 5 Cubes of Butter. Consent decree of condemnation. Product ordered released under bond for reconditioning.
(F. D. C. No. 7612. Sample No. 92058-E.)

On May 5, 1942, the United States attorney for the Southern District of California filed a libel against 5 cubes of butter at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about March 24, 1942, by the Hereford Creamery Co. from Hereford, Tex.; 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. The article was labeled in part: "Cream-O-Plains Butter."

On May 12, 1942, the Hereford Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reconditioning under the supervision of the Food and Drug Administration.

3697. Adulteration of butter. U. S. v. 22 Boxes of Butter. Consent decree of condemnation. Product ordered released under bond for reworking.
(F. D. C. No. 7432. Sample No. 86948-E.)

On April 23, 1942, the United States attorney for the Northern District of Ohio filed a libel against 22 boxes of butter at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about April 13, 1942, by L. D. Schreiber & Co., Inc., from Chicago, Ill.; 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.

On May 13, 1942, L. D. Schreiber & Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reworking under the supervision of the Food and Drug Administration.

3698. Adulteration of butter. U. S. v. 4 Cases and 5 Cases of Butter (and 2 other seizure actions against butter). Default decrees of condemnation and destruction. (F. D. C. Nos. 7377, 7981, 8020. Sample Nos. 78968-E to 78970-E, incl., 84578-E, 22403-F.)

On April 4, June 29, and July 13, 1942, the United States attorneys for the Northern District of New York and the Eastern and Western Districts of Pennsylvania filed libels against 4 cases each containing 30 1-pound rolls of

butter at Albany, and 5 cases each containing 30 1-pound rolls of butter at Schenectady, N. Y., and 326 pounds of butter at Allentown, and 303 pounds of butter at Johnstown, Pa., alleging that the article had been shipped in interstate commerce within the period from on or about March 21 to on or about July 2, 1942, by Paul A. Schulze Co. from St. Louis, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance. The article was labeled in part: "Sunshine Valley Brand Butter," or "Clover Springs Brand Butter."

On June 12 and August 3 and 11, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

CHEESE

3699. Misbranding of Swiss cheese. U. S. v. June Dairy Products Co., Inc. Plea of guilty. Fine, \$500. (F. D. C. No. 4174. Sample No. 34217-E.)

This product was domestic Swiss type cheese falsely labeled as "Switzerland" cheese.

On November 25, 1941, the grand jurors of the United States for the District of New Jersey returned an indictment against June Dairy Products Co., Inc., Jersey City, N. J., alleging that on or about September 27, 1940, the defendant, with intent to defraud and mislead, introduced and delivered for introduction into interstate commerce from the State of New Jersey into the State of New York, a quantity of cheese which was misbranded. The word "Switzerland" was multiply stamped on both the top and bottom rinds of the article, which was invoiced as "Fancy Swiss" and was shipped in response to an order for "Switzerland Cheese."

The article was alleged to be misbranded in that the word "Switzerland" multiply stamped on its was false and misleading since it represented that the article consisted of cheese which had been produced in Switzerland; whereas it did not consist of cheese which had been produced in Switzerland. It was alleged to be misbranded further in that cheese not produced in Switzerland but bearing labeling simulating the labeling stamped upon cheese produced in Switzerland had been offered for sale under the name of another food, i. e., "Switzerland Cheese."

On January 12, 1942, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$500.

3700. Misbranding of Swiss cheese. U. S. v. June Dairy Products Co., Inc., Murray B. Weil, and Sidney Koch. Pleas of guilty. Fine of \$500 imposed on corporation and \$1,000 on each of the individual defendants. (F. D. C. No. 4174. Sample Nos. 34218-E, 34912-E.)

This product was domestic Swiss type cheese falsely labeled "Imported Swiss."

On November 25, 1941, the grand jurors of the United States for the District of New Jersey returned an indictment against the June Dairy Products Co., Inc., having places of business at Jersey City and Newark, N. J., and Murray B. Weil and Sidney Koch, alleging that within the period from on or about September 25 to on or about October 5, 1940, the defendants relabeled a quantity of domestic Swiss cheese by stamping on the rind the words "Imported Swiss"; that the said domestic Swiss cheese had been shipped in interstate commerce from Thorp, Wis., on or about September 18, 1940; that the relabeling had been performed while the cheese was held for sale after such shipment in interstate commerce; and that by the act of relabeling the article the defendants did, with intent to defraud and mislead, commit an act, and caused to be committed an act, while the article was held for sale after shipment in interstate commerce, which resulted in its being misbranded as follows: (1) in that the statement "Imported Swiss" stamped on the rind was false and misleading since it represented that the article was imported Swiss cheese, whereas it consisted of domestic Swiss cheese; and (2) in that a domestic Swiss cheese had been offered for sale under the name of another food, namely, "Imported Swiss Cheese."

On January 12, 1942, pleas of guilty were entered on behalf of the defendants and the court imposed a fine of \$500 against the corporation and \$1,000 against each of the individual defendants.

3701. Adulteration and misbranding of Cheddar cheese. U. S. v. Kadane Creamery Co. and Sheffie A. Kadane. Pleas of guilty. Fines, \$100. (F. D. C. No. 6459. Sample No. 49612-E.)

This product was higher in moisture and its solids contained less milk fat than required by the definition and standard of identity for Cheddar cheese.