

5169. Misbranding of butter. U. S. v. 294 1-Pound Prints and 116 1-Pound Cartons of Butter. Consent decree of condemnation. Product ordered released under bond to be brought into compliance with the law. (F. D. C. No. 9704. Sample No. 30580-F.)

This product was short-weight.

On March 15, 1943, the United States attorney for the Western District of Washington filed a libel against 294 1-pound prints and 116 1-pound cartons of butter at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about March 8, 1943, by Swanson's Creamery from Mobridge, S. Dak.; and charging that it was misbranded. The article was labeled in part: "Dakota Maid Butter * * * One Pound Net Weight," or "1 Lb. Net Dakota Maid Creamery Butter."

The article was alleged to be misbranded in that the prints and cartons of said product did not contain "One Pound Net Weight" or "1 Lb. Net" as labeled.

On April 3, 1943, Milton Stienecker, of Seattle, Wash., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration.

5170. Misbranding of butter. U. S. v. 58 Cartons of Butter. Decree of condemnation. Product ordered released under bond to be brought into compliance with the law. (F. D. C. No. 9807. Sample No. 14948-F.)

On January 4, 1943, the United States attorney for the Southern District of California filed a libel against 58 cartons, each containing 30 retail packages, of butter at Long Beach, Calif., alleging that the article had been shipped in interstate commerce on or about December 28, 1942, by the Mountain States Creamery from Salt Lake City, Utah; and charging that it was misbranded. The article was labeled in part: (Retail cartons) "One Pound Net Mountain View Brand Creamery Butter Distributed by Mountain View Dairies, Inc., Long Beach-Los Angeles Calif."

The article was alleged to be misbranded in that the prints did not contain 1 pound net as labeled.

On January 12, 1943, the Mountain States Creamery having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration.

5171. Misbranding of butter. U. S. v. 15 Cases of Butter. Decree of condemnation. Product ordered released under bond to be brought up to labeled weight. (F. D. C. No. 9786. Sample No. 14085-F.)

On March 15, 1943, the United States attorney for the District of Arizona filed a libel against 15 cases, each containing 30 1-pound prints, of butter at Phoenix, Ariz., alleging that the article had been shipped in interstate commerce on or about March 5, 1943, by the Swisher Creamery Co. from Tulia, Tex.; and charging that it was misbranded. The article was labeled in part: (Carton) "Rainbow Butter, One Pound Net, Creamery Butter, Distributed by Dickey-Davis Co. Phoenix, Arizona."

The article was alleged to be misbranded in that the prints did not contain "One Pound Net" as labeled.

On April 28, 1943, the Swisher Creamery Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be brought up to the labeled weight, under the supervision of the Food and Drug Administration.

5172. Misbranding of butter. U. S. v. 11 Cases of Butter. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 9968. Sample No. 48063-F.)

This product was short-weight.

On April 21, 1943, the United States attorney for the Southern District of Ohio filed a libel against 11 cases of butter at Cincinnati, Ohio, which had been consigned on or about April 16, 1943, alleging that the article had been shipped in interstate commerce by the Napoleon Creamery from Napoleon, Ind.; and charging that it was misbranded. The article was labeled in part: "1/4 Lb. Net Weight."

It was alleged to be misbranded in that the prints did not contain "1/4 Lb. Net Weight."

On May 18, 1943, the Napoleon Creamery, claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

CHEESE

5173. Adulteration of cheese. U. S. v. 27 Cases of Cheese. Default decree of condemnation and destruction. (F. D. C. No. 8968. Sample Nos. 12187-F, 12192-F.)

On December 8, 1942, the United States attorney for the Western District of Washington filed a libel against 27 cases of cheese at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about August 4, 1942, by the Star Cheese Factory from Langlois, Oreg.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Whole Milk Oregon Blue Cheese."

On September 16, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5174. Adulteration of cheese. U. S. v. 2 Crates of Cheese. Default decree of condemnation and destruction. (F. D. C. No. 9959. Sample No. 17452-F.)

On May 17, 1943, the United States attorney for the Eastern District of New York filed a libel against 2 crates, each containing 188 pounds, of Ricotta cheese at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about May 3, 1943, by the Manino Cheese Co. from Westfield, Pa.; and charging that it was adulterated in that it consisted in whole or in part of filthy substances, rodent and cat hair fragments, flies, and maggots, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

On June 11, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5175. Adulteration of cheese. U. S. v. 74 Formaggio Cheeses. Decree of condemnation. Product ordered released under bond to be disposed of in compliance with the law. (F. D. C. No. 9865. Sample No. 23036-F.)

This product contained mites.

On April 24, 1943, the United States attorney for the Eastern District of Pennsylvania filed a libel against 74 10-pound Formaggio cheeses at Easton, Pa., alleging that the article had been shipped in interstate commerce on or about July 15, 1942, by the La Marca Dairy Co. from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On July 8, 1943, Frank Nevosa, partner of the La Marca Dairy Co., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be disposed of in compliance with the law under the supervision of the Food and Drug Administration.

5176. Adulteration of cheese. U. S. v. 222 Romano Cheeses and 37 Sbrinz Cheeses. Decree of condemnation. Product ordered released under bond for reconditioning. (F. D. C. No. 9935. Sample No. 10914-F.)

This product was stored under extremely filthy conditions. Numerous rodent pellets were found on the shelves on which the cheese was stored, it had been gnawed by rodents, and rodent pellets and hairs resembling rodent hairs were found on the surface of the cheese.

On May 13, 1943, the United States attorney for the Northern District of California filed a libel against 222 Romano cheeses and 37 Sbrinz cheeses at San Francisco, Calif., alleging that the article had been shipped in foreign commerce from Argentina, South America, by A. Giurlani & Bros., a corporation, of San Francisco, Calif., on or about February 19, 1943; and charging that it was adulterated in that it consisted in whole or in part of filthy substances, and in that it had been held under insanitary conditions whereby it may have become contaminated with filth.

On June 1, 1943, A. Giurlani & Bros. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond for reconditioning under the supervision of the Food and Drug Administration. The product was reconditioned by scraping and trimming off all rodent-damaged cheese, and denaturing the rejected portion.