

that the statements "8 Oz. Net" or "¼ Lb. Net Weight," appearing on the wrappers enclosing the prints of butter, were false and misleading since the prints contained less than the amount declared; and (2) in that they were in package form and the label on the wrappers failed to bear an accurate statement of the quantity of the contents in terms of weight.

On September 18, 1943, the defendant having entered a plea of guilty, the court imposed a fine of \$50.

**5471. Adulteration and misbranding of butter. U. S. v. 49 Cases of Butter (and 2 other seizure actions against butter). Decrees of condemnation. Portion of product ordered sold for conversion into soap or other technical purpose. Remainder ordered released under bond, a portion to be reworked and a portion to be repacked and relabeled.** (F. D. C. Nos. 8227, 10889, 10976. Sample Nos. 1505-F, 6895-F, 9084-F, 9085-F, 41283-F, 41284-F.)

One shipment of this product contained mold and the remaining shipments were deficient in milk fat with one of such shipments also being short weight.

On or about August 4, 1942, and August 30 and September 20, 1943, the United States attorneys for the Eastern District of Michigan, the Northern District of Texas, and the Western District of Missouri filed libels against 49 30-pound cases of butter at Detroit, Mich., 281 30-pound cases and 1,704 32-pound cases of butter at Dallas, Tex., and 91 60-pound boxes of butter at Springfield, Mo., alleging that the article had been shipped in interstate commerce on or about July 28, 1942, and May 25 and June 7, 1943, by Armour & Co. from Chicago, Ill., Oklahoma City, Okla., and Winfield, Kans.; and charging that it was adulterated and that a portion was misbranded. The lot at Detroit was labeled, in part, "Goldendale Butter"; the lot at Springfield was labeled, in part, "Armour's Cloverbloom Butter," and the lot at Dallas was labeled, in part, "Butter Armour Creameries Distributors \* \* \* Net Wt. 30 lbs. [or "Net Wt. 32 lbs."]."

The portion of the article located at Detroit was alleged to be adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance and the portions at Springfield and Dallas were alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

The portion of the article at Dallas was also alleged to be misbranded in that the labeling was false and misleading as applied to an article that was short weight, since the average net weight of the cases was less than the amount set forth on the label, and in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

On September 25, 1942, judgment of condemnation was entered against the portion of the product at Detroit, and it was ordered sold for conversion into soap or other technical purposes. On September 30, 1943, and January 25, 1944, Armour & Co., claimant, having consented to the entry of decrees with respect to the remaining portions of the product, judgments of condemnation were entered and the portion of the product at Springfield was ordered released under bond for reworking under the supervision of the Food and Drug Administration, and the portion at Dallas was ordered released under bond for relabeling and repacking.

**5472. Adulteration and misbranding of butter. U. S. v. 6 Cartons (192 pounds) of Butter (and 3 other seizure actions against butter). Decrees of condemnation. Portion of product ordered disposed of for salvage fat; remainder released under bond, one lot to be disposed of as animal feed, the remainder to be repacked to the declared weight.** (F. D. C. Nos. 10302, 10396, 12034, 12035. Sample Nos. 42196-F, 52909-F, 79211-F, 79212-F.)

Portions of this product were found to contain mold and portions were short weight.

Between July 9, 1943, and March 16, 1944, the United States attorneys for the District of Columbia and the District of Maryland filed libels against 6 cartons of butter at Baltimore, Md., and 50 cases, 46 cartons, and 11 boxes of butter at Washington, D. C., alleging that the article had been shipped in interstate commerce within the period from on or about June 25, 1943, to February 28, 1944, by the Merchants Creamery Co. from Cincinnati, Ohio; and charging that it was adulterated and misbranded. The article was labeled in part: (Wrapper) "Forest Brook Brand Creamery Butter Packed For Kingan & Company \* \* \* Indianapolis, Ind.," "Springfield Brand Creamery Butter," or "Rose Brand Creamery Butter One Pound Net Weight [or "One Pound Net."]."

A portion of the article seized (6 cartons and 50 cases) was alleged to be adulterated in that it consisted in whole or in part of a decomposed substance.

The remainder of the article (46 cartons and 11 boxes) was alleged to be misbranded in that the statements "One Pound Net Weight" and "One Pound Net" were false and misleading as applied to an article that was short weight; and in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

On August 30, 1943, no claimant having appeared, judgment of condemnation was entered against the product at Baltimore, Md., and it was ordered sold to a rendering company so that it could be used for war purposes as directed by the War Production Board. On October 14, 1943, and April 17, 1944, the Merchants Creamery Company, claimant, having consented to the entry of decrees against the product at Washington, D. C., judgments of condemnation were entered and the product was ordered released under bond to have a portion converted into animal feed, and the remainder repacked under the supervision of the Food and Drug Administration.

**5473. Misbranding of butter. U. S. v. 8 Cases of Butter. Default decree of condemnation. Product ordered delivered to a local hospital. (F. D. C. No. 10472. Sample No. 16046-F.)**

On or about June 8, 1943, the United States attorney for the District of Nevada filed a libel against 8 cases, each containing 30 1-pound prints, of butter at Las Vegas, Nev., alleging that the article had been shipped in interstate commerce on or about May 29, 1943, by the Nelson-Ricks Creamery Co., from Salt Lake City, Utah; and charging that it was misbranded in that the prints did not contain 1 pound net as labeled; the statement "One Pound Net" being false and misleading. The article was labeled in part: (Prints) "One Pound Net When Packed Banquet Better Butter Banquet Better Foods \* \* \* Salt Lake City Utah."

On August 3, 1943, no claimant having appeared and only one case of butter having been seized, judgment of condemnation was entered against such product and it was ordered delivered to a local hospital.

**CHEESE**

**5474. Adulteration of cheese. U. S. v. 2 Boxes, 4 Boxes, and 3 Boxes of Cheese. Default decree ordering product destroyed or fed to animals. (F. D. C. No. 10318. Sample Nos. 16061-F, 16064-F.)**

Examination of this product showed that it contained rodent-type hairs and vegetable fiber, and that a portion contained flies. Inspection of the manufacturing premises showed insanitary conditions and use of dirty milk.

On July 27, 1943, the United States attorney for the District of Utah filed a libel against 5 boxes, each containing 25 pounds, of cheese, and 4 boxes, each containing 60 pounds, of cheese, at Salt Lake City, Utah, alleging that the article was shipped in interstate commerce by the Hurst Dairy Co. from Urie, Wyo., on or about July 5 and 8, 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 prepared under insanitary conditions whereby it might have become contaminated with filth.

On September 25, 1943, no claimant having appeared, judgment was entered ordering the product destroyed or fed to animals.

**5475. Adulteration of Cheddar cheese. U. S. v. 542 Cheddar Cheeses. Decree of condemnation. Product ordered released under bond for reconditioning. (F. D. C. No. 10376. Sample No. 10438-F.)**

On August 13, 1943, the United States attorney for the Northern District of California filed a libel against 542 Cheddar cheeses at San Francisco, Calif., alleging that the article had been shipped in interstate commerce from Chicago, Ill., on or about July 10, 1943, by the National Biscuit Co.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance by reason of infestation with cheese mites well below the surface, as manifested by the presence of live mites and contamination with their debris and burrowings. The article was labeled in part: "State Brand Colored Chidders \* \* \* Cheddar Cheese Wisconsin Factory 2115 Vat A (or others)."

On August 23, 1943, the National Biscuit Co. 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. Reconditioning was effected by cutting off and cutting out all portions showing evidence of mite infestation and denaturing the unfit portion under the supervision of the Food and Drug Administration.