

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.