

amount; and, Section 403 (e) (2), in that it was in package form and did not bear a label containing an accurate statement of the quantity of the contents in terms of weight.

**DISPOSITION:** December 10, 1943. Plea of guilty entered; fine of \$25 on the first count and \$1 on each of the other 5 counts, a total of \$31.

**5856. Misbranding of butter. U. S. v. 508 Boxes of Butter. Consent decree of condemnation. Product ordered released under bond to be relabeled.** (F. D. C. No. 11267. Sample No. 58518-F.)

**LIBEL FILED:** November 15, 1943, District of Maryland.

**ALLEGED SHIPMENT:** On or about November 1, 1943, by the Community Creamery Co., Chicago, Ill.

**PRODUCT:** 508 boxes, each containing 24 1-pound cartons of ¼-pound prints, of butter at Baltimore, Md.

**LABEL, IN PART:** "1 Lb. Net Wt. Sunnyfield Creamery Butter. The Great Atlantic & Pacific Tea Company, New York, N. Y., Distributors."

**VIOLATION CHARGED:** Misbranding, Section 403 (a) (e), the units did not contain "1 Lb. Net" as labeled.

**DISPOSITION:** November 16, 1943. The Great Atlantic and Pacific Tea Company appeared as claimant, averring that the Community Creamery Co. was the owner of the product, and on its own behalf and on behalf of the owner 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 to be brought into compliance with the law under the supervision of the Food and Drug Administration. It was reprinted to the declared weight.

#### CHEESE

**5857. Adulteration of cheese. U. S. v. 3,309 Boxes of Cheddar Cheese. Consent decree of condemnation. Product ordered released under bond for trimming.** (F. D. C. No. 10869. Sample Nos. 38648-F, 38650-F, 38654-F, 38655-F, 38658-F, 38659-F, 38661-F.)

**LIBEL FILED:** October 11, 1943, Northern District of Illinois.

**ALLEGED SHIPMENT:** From on or about July 7 to August 31, 1942, by Armour & Co., from Marshfield, Wis.

**PRODUCT:** 3,309 75-pound boxes of Cheddar cheese at Chicago, Ill.

**LABEL, IN PART:** "Wisconsin State Branch Colored Cheddars," or similar labeling.

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of mites, beetles, and beetle larvae.

**DISPOSITION:** January 19, 1944. The National Biscuit Co., claimant, having admitted the facts set forth in the libel, judgment or condemnation was entered. The product was ordered released under bond for trimming, under the supervision of the Food and Drug Administration.

**5858. Adulteration of cheese. U. S. v. 392 Boxes of Cheddar Cheese. Consent decree of condemnation. Product ordered released under bond for trimming.** (F. D. C. No. 10870. Sample Nos. 38537-F to 38542-F, incl.)

**LIBEL FILED:** October 7, 1943, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about June 25, 1942, by the Pauly & Pauly Cheese Co., Edgar, Wis.

**PRODUCT:** 392 78-pound boxes of Cheddar cheese at Chicago, Ill.

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of mites.

**DISPOSITION:** December 24, 1943. The claimant, the National Biscuit Co., 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 by trimming, under the supervision of the Food and Drug Administration.

**5859. Adulteration of cheese. U. S. v. 1,056 Cheeses (and 6 other seizure actions against cheese). Consent decree of condemnation. Product released under bond for salvaging.** (F. D. C. Nos. 12195, 12196, 12244. Sample Nos. 39189-F, 39190-F, 39195-F to 39199-F, incl.)

**LIBELS FILED:** April 17 and May 3, 1944, Northern District of Illinois.

**ALLEGED SHIPMENT:** From on or about December 7, 1942, to January 26, 1944, from Los Angeles, Calif., New Orleans, La., St. Johns, N. Y., Bravo, Mich., and Cincinnati, Ohio.

**PRODUCT:** 1,056 cheeses and 771 cases of cheese in possession of the Ehrat Cheese Co., Inc., Chicago, Ill.

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

This product was stored in a mite-infested room and samples examined contained mites.

**DISPOSITION:** May 25, 1944. Cases consolidated. The Ehrat Cheese Co., Inc., appeared as claimant and admitted allegations of the libels. The product was condemned and ordered released under bond for salvaging under the supervision of the Food and Drug Administration.

**5860. Misbranding of grated cheese. U. S. v. 50 Cases of Cheese. Decree of condemnation. Product released under bond to be repackaged. (F. D. C. No. 10704. Sample No. 11526-F.)**

**LABEL FILED:** September 11, 1943, Northern District of California.

**ALLEGED SHIPMENT:** On or about July 10, 1943, from New York, N. Y., by Italian Importing.

**PRODUCT:** 50 cases, each containing 10 dozen cans, of cheese at San Francisco, Calif.

**LABEL, IN PART:** "Icco Brand Grated Argentine Parmesan Type Cheese \* \* \* Packed by Icco Cheese Co. Inc. Brooklyn."

**VIOLATION CHARGED:** Misbranding, Section 403 (d), in that the container was so filled as to be misleading, since the cheese occupied only about 50 percent of the capacity of the can.

**DISPOSITION:** December 9, 1943. Claimant, Icco Cheese Company, Inc. A decree of condemnation was entered and the product was ordered released under bond, conditioned that it be sold in bulk but not for resale, under the supervision of the Food & Drug Administration.

#### MISCELLANEOUS DAIRY PRODUCTS

**5861. Adulteration of dry milk solids. U. S. v. 57 Barrels of Dry Milk Solids. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 11131. Sample No. 41157-F.)**

**LABEL FILED:** On or about November 30, 1943, Northern District of Texas.

**ALLEGED SHIPMENT:** On or about July 14, 1943, by the Walgreen Co., Shelbyville, Ill.

**PRODUCT:** 57 200-pound barrels of dry milk solids at Dallas, Texas.

**LABEL, IN PART:** "Dry Milk Solids Vacuum Drum Process."

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance, insects and insect fragments.

**DISPOSITION:** January 12, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution for charitable distribution and for use as animal feed, but not for sale or use for human consumption.

**5862. Adulteration of oleomargarine. U. S. v. 2,192 Cartons and 57 Cartons of Oleomargarine. Decree of condemnation. Product ordered sold for uses other than human consumption. (F. D. C. No. 11132. Sample Nos. 4145-F, 4148-F.)**

**LABEL FILED:** November 16, 1943, Southern District of Ohio.

**ALLEGED SHIPMENT:** On or about May 10 and August 3, 1943, by the Shedd Products Co., Detroit, Mich.

**PRODUCT:** 2,249 1-pound cartons of oleomargarine at Cincinnati, Ohio.

**LABEL, IN PART:** "One Pound Net Mi Choice Vegetable Oleomargarine," or "One Pound Net New Kayko \* \* \* The All Purpose Vegetable Oleomargarine."

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance and was otherwise unfit for food since it was discolored, rancid, and moldy.