

7593. Adulteration of Italian type cheese. U. S. v. 25 Cases of Cheese (and 3 other seizure actions against cheese). Default decrees of condemnation. Product ordered delivered to a public institution, for use as animal feed. (F. D. C. Nos. 14378 to 14380, incl., 14385. Sample No. 34939-F.)

LIBELS FILED: November 10, 1944, Southern District of Florida.

ALLEGED SHIPMENT: On or about October 5, 1944, by the Hygrade Food Products Corporation, from New York, N. Y.

PRODUCT: 50 cases and 150 cases of cheese, at Jacksonville and Jasper, Fla., respectively, each case containing 6 5-pound loaves.

LABEL, IN PART: (Loaf) "Shelby Brand Provolone Type Process Lunch Loaf Distributed by Dunlevy-Franklin Corporation—Pittsburgh, Pa."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments, cat hair fragments, wood splinters, and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 16, 1945. No claimant having appeared, judgments of condemnation were entered and the product was ordered delivered to a public institution, for use as animal feed.

7594. Adulteration of pimento cheese. U. S. v. 487 Boxes of Pimento Cheese. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14753. Sample No. 86641-F.)

LIBEL FILED: On or about December 15, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: On October 13, 1944, by the Shefford Cheese Co., from Green Bay, Wis.

PRODUCT: 487 73-pound boxes of pimento cheese, at Chicago, Ill.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: January 11, 1945. C. E. Zuercher & Co., Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured, under the supervision of the Food and Drug Administration, so that it could not be used for human consumption.

7595. Adulteration of Swiss cheese. U. S. v. 1 Tub and 4 Wheels (1,450 pounds) of Swiss Cheese. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14623. Sample No. 83085-F.)

LIBEL FILED: December 6, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about October 6, 1944, by the New York Cheese Co., Monroe, Wis.

PRODUCT: 1 tub containing 5 wheels, and 4 additional wheels of cheese, weighing a total of approximately 1,450 pounds, at New York, N. Y.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance because of the presence of rodent excreta.

DISPOSITION: January 4, 1945. Max Popkin, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be cleaned, in order to eliminate all filth, and brought into compliance with the law, under the supervision of the Food and Drug Administration.

MISCELLANEOUS DAIRY PRODUCTS

7596. Adulteration of dried skim milk. U. S. v. 1 Barrel of Dry Milk Solids. Default decree of condemnation and destruction. (F. D. C. No. 13728. Sample No. 68494-F.)

LIBEL FILED: October 11, 1944, Southern District of Ohio.

ALLEGED SHIPMENT: On or about May 19, 1944, by the Blue River Farms, Shelbyville, Ind.

PRODUCT: 1 200-pound barrel of dried skim milk, at Cincinnati, Ohio.

LABEL, IN PART: "Dry Milk Solids Not Over 1½% Fat."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product was unfit for food by reason of the presence of pieces of wood, brush hairs, and pieces of metal.

DISPOSITION: November 24, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7597. Adulteration and misbranding of oleomargarine. U. S. v. 100 Cases of Oleomargarine. Consent decree of condemnation. Product ordered released under bond for reprocessing. (F. D. C. No. 14937. Sample No. 99040-F.)

LABEL FILED: January 2, 1945, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about October 30, 1944, by the B. S. Pearsall Butter Co., from Elgin, Ill.

PRODUCT: 100 cases, each containing 30 cartons, of oleomargarine at St. Louis, Mo.

LABEL, IN PART: "One Pound Net Elgin Vegetable Oleomargarine with Vitamin A Added."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent of fat had been substituted for oleomargarine.

Misbranding, Section 403 (g) (1), the product purported to be and was represented as oleomargarine, a food for which a definition and standard of identity has been prescribed by regulations promulgated pursuant to law, and it failed to conform to the definition and standard since it contained less than 80 percent of fat.

DISPOSITION: January 24, 1945. The B. S. Pearsall Butter Co., claimant, having admitted the allegation of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reprocessed and, if necessary, relabeled in compliance with the law, under the supervision of the Food and Drug Administration.

7598. Misbranding of oleomargarine. U. S. v. 237 Cases of Oleomargarine. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13276. Sample No. 68533-F.)

LABEL FILED: August 19, 1944, Southern District of Ohio.

ALLEGED SHIPMENT: On or about July 27, 1944, by the Standard Margarine Co., Inc., Indianapolis, Ind.

PRODUCT: 237 cases of oleomargarine at Cincinnati, Ohio.

Examination showed that the article was short-weight.

LABEL, IN PART: "Kroger's Eatmore Vegetable Oleomargarine Net Wt. One Lb."

VIOLATIONS CHARGED: Misbranding, Section 403 (e) (2), the product was a food in package form, and it failed to bear a label containing an accurate statement of the quantity of the contents since the label statement "Net Wt. One Lb." was inaccurate.

DISPOSITION: August 30, 1944. The Standard Margarine Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration.

EGGS

7599. Adulteration of frozen whole eggs. U. S. v. 212 Cans of Frozen Whole Eggs (and 1 other seizure action against frozen whole eggs). Consent decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 13426, 14550. Sample Nos. 66860-F, 98663-F.)

LABELS FILED: September 7, 1944, District of Kansas; November 29, 1944, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about June 20 and October 23, 1944, by Swift & Co., from Clinton, Okla., and Clinton, Iowa.

PRODUCT: 1 40-pound can, 89 30-pound cans, and 122 48-pound cans of frozen whole eggs, at Kansas City, Kans., and 225 cartons at St. Louis, Mo.

LABEL, IN PART: "M Frozen Blend of Egg Yolks & Egg Whites," and "Frozen M Blend Whites Yolks."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: October 25 and December 21, 1944. Swift & Co., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond, conditioned that it be brought into compliance with the law, under supervision of the Food and Drug Administration.