

tion was entered and the product was ordered released under bond for reworking under the supervision of the Food and Drug Administration.

**9714. Adulteration of butter. U. S. v. 13 64-Pound Cartons of Butter. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 16678. Sample No. 19044-H.)**

**LIBEL FILED:** June 8, 1945, Southern District of New York.

**ALLEGED SHIPMENT:** On or about May 22, 1945, by the Bowman Creamery Co., from Bowman, N. Dak.

**PRODUCT:** 13 64-pound cartons of butter at New York, N. Y.

**LABEL, IN PART:** "Butter John Doscher & Co. Distributors New York."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

**DISPOSITION:** June 20, 1945. The Standard Butter and Egg Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reworking under the supervision of the Food and Drug Administration.

**9715. Adulteration of butter. U. S. v. 7 Cartons (420 pounds) of Butter. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 16675. Sample No. 19242-H.)**

**LIBEL FILED:** June 11, 1945, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about May 31, 1945, by the St. Stephen Coop. Creamery, from St. Stephen, Minn.

**PRODUCT:** 7 60-pound cartons of butter at Philadelphia, Pa.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

**DISPOSITION:** June 29, 1945. C. G. Heyd and Co., Philadelphia, Pa., having appeared as claimant, 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.

**9716. Adulteration of butter. U. S. v. 5 Cartons (250 pounds) of Butter. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 16681. Sample No. 19014-H.)**

**LIBEL FILED:** April 21, 1945, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about April 11, 1945, by the Farmer's Cooperative Trucking Association, from Wadena, Minn.

**PRODUCT:** 5 50-pound cartons of butter at Philadelphia, Pa.

**LABEL, IN PART:** "Butter Distributed by C. G. Heyd & Co. \* \* \* Phila., Pa."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

**DISPOSITION:** April 30, 1945. C. G. Heyd & Co., 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.

**9717. Adulteration and misbranding of butter. U. S. v. 45 Cases and 36 Cases of Butter. Decrees of condemnation. Product ordered released under bond. (F. D. C. No. 16679. Sample Nos. 13139-H, 13142-H, 13144-H.)**

**LIBELS FILED:** On or about June 8, 1945, Western District of Kentucky.

**ALLEGED SHIPMENT:** On or about May 12 and 25, 1945, by the Lanesville Creamery Co., from Lanesville, Ind.

**PRODUCT:** 45 30-pound cases and 36 30-pound cases of butter at Louisville, Ky. Analysis showed that the 45-case lot was deficient in milk fat, and that the 36-case lot was short-weight.

**LABEL, IN PART:** "Autumn Leaf Creamery Butter \* \* \* 1 LB. Net."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), (45-case lot) the article contained less than 80 percent by weight of milk fat.

Misbranding, Section 403 (a), the label statement "1 Lb. Net" was false since the cartons did not contain 1 pound of butter; and, Section 403 (e) (2), the label failed to bear a correct statement of the quantity of the contents.

**DISPOSITION:** June 25, 1945. The Lanesville Creamery Co. having appeared as claimant, judgments of condemnation were entered and the product was ordered released under bond, conditioned that it be reworked and brought into compliance with the law, under the supervision of the Food and Drug Administration.

**9718. Misbranding of butter. U. S. v. 439 Cartons and 290 Cartons (23,328 pounds) of Butter. Consent decrees of condemnation. Products ordered released under bond. (F. D. C. Nos. 15779, 15780. Sample Nos. 5665-H, 5714-H.)**

**LIBEL FILED:** On or about March 13, 1945, District of New Jersey.

**ALLEGED SHIPMENT:** On or about February 23 and 24, 1945, by the American Dairy Co., Scranton, Pa., from New York, N. Y.

**PRODUCT:** 729 cartons, each containing 32 1-pound prints, of butter at Jersey City, N. J. The product was short-weight.

**LABEL, IN PART:** "One Pound Net Creamery Butter Packed by Ben Goldenberg, Inc., New York, N. Y."

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents.

**DISPOSITION:** March 14, 1945. Philip H. Bricker, trading as the American Dairy Products Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the butter was ordered released under bond for reprinting to the correct weight, under the supervision of the Food and Drug Administration.

#### CHEESE

**9719. Action to enjoin and restrain the interstate shipment of adulterated cheese and cheese products. U. S. v. Conestoga Cream and Cheese Manufacturing Corporation and Snier Sam Silberman, also known as Sam Silberman. Tried to the court. Injunction granted. (Inj. No. 81.)**

**COMPLAINT FILED:** March 21, 1945, Northern District of Ohio, against the Conestoga Cream and Cheese Manufacturing Corporation, Lima, Ohio, and Snier Sam Silberman, also known as Sam Silberman, plant manager.

**NATURE OF CHARGE:** That for several years, and particularly since October 6, 1942, the defendants had been preparing, packing, processing, and manufacturing, and offering for interstate shipment and shipping in interstate commerce, cheese and cheese products; that numerous investigations had been made by the Food and Drug Administration which disclosed the existence of insanitary conditions in the plant of the defendants by reason of the presence of insects, rodent excreta, and other foreign matter, and filthy and unwholesome substances in and around places in the plant where the foods were manufactured, in and around raw materials and substances from which the foods were manufactured, in and around places in the plant where the foods were packed, in and around machinery and equipment for manufacturing the foods and containers for the foods, and in and around the finished foods; that the investigations disclosed further that the buildings where the foods were prepared, packed, and held, were in a state of disrepair and dilapidation, and that the windows were unscreened, subjecting the foods prepared in the plant to contamination by insects, rodents, and other sources.

The complaint alleged further that the products prepared and packed under the aforesaid conditions were adulterated as follows: Section 402 (a) (3), they consisted in whole or in part of filthy substances; and, Section 402 (a) (4), they had been prepared, packed, and held under insanitary conditions whereby they may have become contaminated with filth.

**PRAYER OF COMPLAINT:** That a preliminary injunction issue, restraining the defendants from commission of the acts complained of; and that, after due proceedings, the preliminary injunction be made permanent.

**DISPOSITION:** June 6, 1945. The case having come on for hearing, and having been submitted to the court on the pleadings, statements of counsel, and stipulation of facts, the court made the following findings of fact and conclusions of law:

*KLOEB, District Judge:*