

9887. Adulteration of whey cheese. U. S. v. Mannino Cheese Co., and Marco Mannino and Joseph S. Mannino. Pleas of guilty. Fine, \$300 on count 1 (\$100 against each defendant); imposition of sentence suspended on remaining count, and individual defendants placed on probation for 2 years. (F. D. C. No. 16612. Sample Nos. 7701-H, 7702-H.)

INFORMATION FILED: March 11, 1946, Middle District of Pennsylvania, against the Mannino Cheese Co., a partnership, and Marco Mannino and Joseph S. Mannino, partners.

ALLEGED SHIPMENT: On or about May 25 and June 4, 1945, from Potter Brook, Pa., to Brooklyn, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of paint and dirt fragments, insects and insect fragments, rodent hair fragments, human and cat hairs, unidentified animal hair, wood splinters, pebbles, plant and brush fibers, mold, rust, soot and coal fragments, and sand; and, Section 402 (a) (4), the article had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 5, 1946. Pleas of guilty having been entered, each of the three defendants was fined \$100 on count 1. Imposition of sentence was suspended on count 2, and the individual defendants were placed on probation for 2 years.

9888. Adulteration and misbranding of cheese. U. S. v. 4 Boxes of Cheese. Default decree of forfeiture. Product ordered delivered to a public institution. (F. D. C. No. 20022. Sample No. 51078-H.)

LABEL FILED: May 22, 1946, Western District of Wisconsin.

ALLEGED SHIPMENT: On or about March 18, 1946, by the Dubuque Cooperative Dairy, Dubuque, Iowa.

PRODUCT: 4 boxes of cheese at Platteville, Wis. Each box contained 1 cheese weighing approximately 75 pounds.

NATURE OF CHARGE: Adulteration, Section 402(b) (2), a product containing excessive moisture and deficient in milk fat had been substituted in whole or in part for Cheddar cheese, which the product was purported to be.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for Cheddar cheese since it contained more than 39 percent of moisture, and its solids contained less than 50 percent of milk fat.

DISPOSITION: August 1, 1946. No claimant having appeared, judgment of forfeiture was entered and the product was ordered delivered to a public institution.

9889. Adulteration of Cheddar cheese. U. S. v. 96 Cases of Cheddar Cheese. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 20258. Sample No. 30688-H.)

LABEL FILED: July 12, 1946, District of Arizona.

ALLEGED SHIPMENT: On or about May 6, 1946, by the Superior Cheese Co., Green Bay, Wis.

PRODUCT: 96 cases, each containing 48 ½-pound packages, of Cheddar cheese at Phoenix, Ariz.

LABEL, IN PART: "Berkshire Brand."

NATURE OF CHARGE: Adulteration, Section 402(a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of mold.

DISPOSITION: August 13, 1946. Plymouth Products, Inc., claimant, having 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 by segregating and denaturing the unfit portion, under the supervision of the Food and Drug Administration.

9890. Adulteration of Colby cheese. U. S. v. 3 Boxes of Colby Cheese. Default decree of condemnation and destruction. (F. D. C. No. 20296. Sample No. 63421-H.)

LABEL FILED: On or about June 28, 1946, District of New Jersey.

ALLEGED SHIPMENT: On or about May 11, 1946, by the Homeland Dairy Co., Mauston, Wis.

PRODUCT: 3 boxes, each containing approximately 70 pounds, of Colby cheese.

NATURE OF CHARGE: Adulteration, Section 402(a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect frag-

ments and rodent hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: August 7, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

9891. Adulteration and misbranding of grated cheese. U. S. v. 15 Cartons of Grated Cheese (and 3 other seizure actions against grated cheese). Consent decree of condemnation. Product ordered released under bond. (F. D. C. Nos. 20479, 20518 to 20520, incl. Sample Nos. 47186-H, 59880-H to 59882-H, incl., 59884-H.)

LIBELS FILED: July 3 and 16, 1946, District of Massachusetts and Northern District of Ohio.

ALLEGED SHIPMENT: On or about May 15, 17, and 20, 1946, by Kurtz Brothers, from Bridgeport, Pa.

PRODUCT: 187 cases of grated cheese at Youngstown, Ohio, and 100 cases of the same product at Worcester, Mass. Examination disclosed that the product contained lactose, indicating the presence of a milk product other than cheese. Sixty-three cartons of the Youngstown lot were short-weight.

LABEL, IN PART: "Magic Chef Grated Italian Parmesan Style Cheese Net Wt. 1½ Ozs."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a substance high in lactose had been substituted in whole or in part for grated Italian Parmesan style cheese.

Misbranding, Section 403 (a), the label designation, "Grated Italian Parmesan Style Cheese," was false and misleading. Further misbranding, Section 403 (e) (2), 63 cartons of the product at Youngstown failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: August 6 and 23, 1946. Kurtz Brothers, Inc., claimant having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond, conditioned that the lot at Worcester be relabeled and the remaining lots be denatured for use as chicken feed, under the supervision of the Food and Drug Administration.

9892. Adulteration and misbranding of grated cheese. U. S. v. 10 Cases of Grated Cheese. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 19884. Sample No. 65022-H.)

LIBEL FILED: May 7, 1946, District of New Jersey.

ALLEGED SHIPMENT: On or about April 2, 1946, by George T. Felici, from Philadelphia, Pa.

PRODUCT: 10 cases, each containing 48 2-ounce jars, of grated cheese at Trenton, N. J. This product contained about 22 percent of lactose, indicating the presence of a milk product other than cheese.

LABEL, IN PART: "Latella's Brand Grated Cheese * * * Packed by G. Latella & Sons Phila Pa."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a substance high in lactose had been substituted in whole or in part for grated cheese.

Misbranding, Section 403 (a), the label designation "Grated Cheese" was false and misleading since the article contained a milk product other than cheese.

DISPOSITION: June 26, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

9893. Adulteration and misbranding of grated cheese. U. S. v. 3 Cases of Grated Cheese. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 19721. Sample No. 65307-H.)

LIBEL FILED: On or about May 4, 1946, District of New Jersey.

ALLEGED SHIPMENT: On or about February 20, 1946, by the New Yorker Cheese Co., from Philadelphia, Pa.

PRODUCT: 3 cases, each containing 24 1-pound cartons, of grated cheese at Atlantic City, N. J. Examination showed that the product contained approximately 20 percent lactose, indicating the presence of a milk product other than cheese.

LABEL, IN PART: "New Yorker Brand Italian Style Grated Cheese."