

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been stored under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 6, 1945. Dixie Confections, Inc., claimant, having admitted the material 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, under the supervision of the Federal Security Agency.

DAIRY PRODUCTS*

BUTTER

The following cases report actions involving butter that was adulterated in that it consisted in whole or in part of a filthy or decomposed substance, or both, Nos. 10107 to 10113; that was below the standard for milk fat content, Nos. 10113 to 10115; and that was short of the declared weight, No. 10116.

10107. Action to restrain the interstate shipment of adulterated butter. U. S. v. Steve Owens (The Wellington Creamery Co.) and The T. & O. Sales Co. Injunction granted. (Inj. No. 104.)

COMPLAINT FILED: August 18, 1945, Northern District of Texas, against Steve Owens, doing business as the Wellington Creamery Co., at Wellington, Tex., and the T. & O. Sales Co., a partnership, Amarillo, Tex., of which Steve Owens was a member. The complaint alleged that the defendants had been shipping in interstate commerce since August 19, 1944, butter which was contaminated with flies, beetles, rodent filth, dust, and dirt. It was alleged also that an inspection of the Wellington Creamery Co. on August 19, 1944, disclosed that a live rat was nesting under a stack of butter cartons; that a number of dead flies were on the folds at the top of two partly used sacks of sugar; that numerous dead flies and rat tracks were visible in dried cream which had been spilled on the floor of the testing room; that the butter-making equipment and piping were extremely dirty; that cockroaches were at various points throughout the plant; and that the cream used in preparation of the butter contained manure and other ingredients.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), the article had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

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

DISPOSITION: On August 28, 1945, after hearing the evidence and arguments of the parties, the court granted a preliminary injunction enjoining the defendants during the pendency of the action from shipping adulterated butter in interstate commerce. On October 16, 1945, on default of the defendant, the preliminary injunction was made permanent.

10108. Adulteration of butter. U. S. v. 34 Cubes (2,040 pounds) of Butter. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 17388. Sample No. 26163-H.)

LIBEL FILED: August 25, 1945, Southern District of California.

ALLEGED SHIPMENT: On or about August 4, 1945, by the Hallren Poultry and Creamery Co., from Fairview, Okla.

PRODUCT: 34 60-pound cubes of butter at Los Angeles, Calif. Analysis showed the product to be contaminated with filth in the form of insect fragments, rodent hairs, human hairs, and feather barbules. Inspection of the manufacturing plant revealed that filthy cream was used in making the butter, and that the butter was prepared under insanitary conditions.

LABEL, IN PART: "Creamery Butter * * * Hallren Poultry and Creamery Co. Fairview, Okla."

*See also No. 10191.