

DISPOSITION: March 5, 1946. The Cudahy Packing Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for reworking under the supervision of the Federal Security Agency.

10967. Adulteration of butter. U. S. v. 21½ Cases * * *. (F. D. C. No. 19762. Sample Nos. 58644-H, 59226-H, 59310-H, 59311-H.)

LABEL FILED: March 28, 1946, Western District of Washington.

ALLEGED SHIPMENT: On or about March 19, 22, and 25, 1946, by the Payette Produce Co., from Payette, Idaho.

PRODUCT: 21½ cases of butter at Bremerton, Wash. Each full case contained 30 1-pound prints of the product.

LABEL, IN PART: (Prints) "Gem Creamery Butter M'd by Gem Creamery Co., Emmett, Idaho."

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 12, 1946. The Payette Produce Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for reurning under the supervision of the Federal Security Agency.

10968. Adulteration of butter. U. S. v. 13 Cubes (832 pounds) * * *. (F. D. C. No. 19761. Sample Nos. 56790-H, 56793-H.)

LABEL FILED: April 9, 1946, District of Massachusetts.

ALLEGED SHIPMENT: On or about March 26, 1946, by the Flittie Creamery Co., from Wessington Springs, S. Dak.

PRODUCT: 13 64-pound cubes of butter at Boston, Mass.

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 22, 1946. Lamson & Co., Inc., Boston, Mass., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for reworking under the supervision of the Federal Security Agency.

10969. Misbranding of butter. U. S. v. 695 Boxes (approximately 41,700 pounds) * * *. (F. D. C. No. 19427. Sample No. 58211-H.)

LABEL FILED: January 30, 1946, Western District of Washington.

ALLEGED SHIPMENT: On or about January 22, 1946, by the Butte Warehouse & Cold Storage Co., from Butte, Mont.

PRODUCT: 695 boxes, each containing 60 prints, of butter at Seattle, Wash. Examination showed that the product was short-weight.

LABEL, IN PART: (Print) "1 Lb. Net Weight Armour's Cloverbloom Butter"; (cases) "Butter Armour Creameries, Distributors."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the package containing the article did not bear an accurate statement of the quantity of the contents.

DISPOSITION: February 13, 1946. Armour and Co., claimant, having consented to the entry of a decree, the product was ordered released under bond so that the weight of the butter could be increased to the correct amount, under the supervision of the Federal Security Agency.

CHEESE

10970. Adulteration of cheese. U. S. v. Cache Valley Dairy Association and Edwin Gossner. Pleas of nolo contendere. Total fine, \$150. (F. D. C. No. 19525. Sample Nos. 29823-H, 29824-H, 43403-H.)

INFORMATION FILED: April 10, 1946, District of Utah, against Cache Valley Dairy Association, a corporation, Smithfield, Utah, and Edwin Gossner, plant manager.

ALLEGED SHIPMENT: On or about June 11 and July 10 and 14, 1945, from the State of Utah into the State of California.

LABEL, IN PART: "Rocky Mountain Brand Swiss Gruyere Type Cheese," or "No. 1 Selected Cheddar Cheese."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of whole insects, insect fragments, larvae, nondescript dirt, rodent hair, rodent or cat hair, unidentified hair, straw fragments, feather barbules, and metallic particles; and, Section 402 (a) (4), it had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 9, 1946. Pleas of nolo contendere having been entered on behalf of the defendants, the court imposed a total fine of \$150.

10971. Adulteration of cheese. U. S. v. Arno Struve and R. R. Struve (Struve Cheese Factory). Pleas of guilty. Fine of \$250 against each defendant. (F. D. C. No. 19511. Sample Nos. 26171-H, 26172-H.)

INFORMATION FILED: November 25, 1946, Northern District of Texas, against Arno Struve and R. R. Struve, trading as Struve Cheese Factory, Abernathy, Tex.

ALLEGED VIOLATION: On or about April 23, 1945, the defendants gave Swift & Co. a guaranty providing that any food shipped or delivered thereafter by the defendants to Swift & Co. would be neither adulterated nor misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act. On or about July 30, 1945, the defendants sold and delivered a quantity of Cheddar cheese to Swift & Co., at Amarillo, Tex., a part of which product was shipped by the latter firm, from the State of Texas into the State of New Mexico.

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 fragments, hair of dermestid larvae, rodent hair, plant tissue, fibers, nondescript dirt, a whole cockroach, and a beetle; and, Section 402 (a) (4), it had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 25, 1946. A plea of guilty having been entered by both defendants, the court imposed a fine of \$250 against each.

10972. Adulteration of Cheddar cheese. U. S. v. Upper Snake River Valley Dairymen's Association, Inc., Eugene S. Trask, and Harry John Doherty. Pleas of guilty. Fines, \$900 against corporate defendant and \$50 against each individual defendant. (F. D. C. No. 19523. Sample No. 32495-H.)

INFORMATION FILED: April 22, 1946, District of Idaho, against the Upper Snake River Valley Dairymen's Association, Inc., Rexburg, Idaho, Eugene S. Trask, general manager, and Harry John Doherty, plant manager.

ALLEGED SHIPMENT: On or about October 1, 1945, from the State of Idaho into the State of California.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of insect fragments, cat hair, rodent hair, feather barbules, plant tissue, and nondescript dirt; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth and been rendered injurious to health.

DISPOSITION: August 19, 1946. Pleas of guilty having been entered, the court imposed fines of \$450 against the corporate defendant on each of the two counts of the information and \$25 against each individual defendant on each of the two counts.

10973. Adulteration of Cheddar cheese. U. S. v. Valley Cooperative Marketing Association and T. Edward Aycock. Pleas of guilty. Corporation fined \$175; individual, \$25. (F. D. C. No. 19512. Sample No. 25467-H.)

INFORMATION FILED: March 25, 1946, District of Wyoming, against the Valley Cooperative Marketing Association, a corporation, Mountain View, Wyo., and T. Edward Aycock, manager.

ALLEGED SHIPMENT: On or about September 12, 1945, from the State of Wyoming into the State of Utah.

NATURE OF CHARGE: 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, nondescript dirt, fibers, and a feather barbule; and, Section 402 (a) (4), it had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.