

**ALLEGED SHIPMENT:** On or about June 1, 1946, by the Esmond Cooperative Creamery, from Esmond, N. Dak.

**PRODUCT:** 9 60-pound cartons of butter at New York, N. Y.

**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 26, 1946. Harry Rappaport, New York, N. Y., 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 Federal Security Agency.

**11371. Misbranding of butter. U. S. v. Marvin Emmett Johnson (Clinton Butter Co.). Plea of guilty. Fine, \$150. (F. D. C. No. 20439. Sample Nos. 20874-H, 20875-H.)**

**INFORMATION FILED:** July 3, 1946, Western District of Missouri, against Marvin Emmett Johnson, an individual, trading as the Clinton Butter Co., Clinton, Mo.

**ALLEGED SHIPMENT:** On or about February 12, 1946, from the State of Missouri into the State of Kansas.

**LABEL, IN PART:** "One Pound Net Armour's Cloverbloom Butter Armour Creameries—Distributors."

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (2), the product was in package form and failed to bear a label containing an accurate statement of the quantity of the contents, since the net weight of the packages was less than one pound.

**DISPOSITION:** July 29, 1946. A plea of guilty having been entered, the defendant was fined \$150.

#### CHEESE

**11372. Action to restrain the interstate shipment of adulterated cheese and cheese products. U. S. v. Cuba Cheese & Trading Co., Inc., et al. Permanent injunction granted. (Inj. No. 147.)**

**COMPLAINT FILED:** August 15, 1946, Western District of New York, against the Cuba Cheese & Trading Co., Inc., Cuba, N. Y., Edwin S. Moses, Jr., president of the corporation, Isadore Van Zwanenberg, vice president and treasurer, and Francis Moses, secretary. The complaint alleged that since about the year 1943 the defendants had been engaged in the business of manufacturing, selling, and transporting in interstate commerce cheese and cheese products which were adulterated; and that in connection with the business the firm operated manufacturing plants at Sardinia, Centerville, Bliss, Friendship, Hallsport, Cuba, Warsaw, Fords Brook, Riceville, and Greenwood, N. Y., and Myrtle and Cranesville, Pa. The manufactured products were transported from these plants to the corporation's warehouses at Cuba, N. Y., to be prepared for shipment into interstate commerce. Inspections of the various plants and warehouses revealed the following insanitary conditions and practices, among others:

The Sardinia plant contained a large number of flies as a result of the lack of screening, and considerable rodent infestation was noted, as evidenced by the presence of rodent excreta pellets in the storage and curing room. The Myrtle plant had no real protection against flies, and the utensils in use were dirty and bore a heavy residue of curd and dried milk. The shelves used for storage of the cheese were slimy and dirty, and samples of the cheese were found to contain cat hairs, cow hairs, rodent hair fragments, insect fragments, feather fragments, and nondescript dirt. The Friendship plant was in a poor state of repair, with large openings in the walls. Samples of cheese from the plant were found to contain insect fragments and rodent hairs. The Centerville plant contained many flies, and there was evidence of rat and mouse activity. The plant was generally untidy, and cheese manufactured the week before was gnawed by mice. At the Bliss plant, avenues of rodent entry were found, and numerous rat excreta pellets were noted along the wall of the manufacturing room and near the cheese vat. At the Hallsport plant, cheeses on the curing shelves were found to be rodent-gnawed. At the Warsaw plant, a number of rat excreta pellets and three rodent-gnawed cheeses were found in the curing room. The Fords Brook plant had a whey tank which leaked, and at the rear of the factory there was a mire of putrid sewage. The well used as a source of water supply at the Riceville plant was of questionable sanitary quality, and the outside toilet was not flyproof. The Greenwood plant was