

15115. Misbranding of butter. U. S. v. 10 Cases * * *. (F. D. C. No. 27254. Sample No. 51196-K.)

LIBEL FILED: February 16, 1949, Eastern District of Kentucky.

ALLEGED SHIPMENT: On or about February 8, 1949, by the Merchants Creamery Co., from Cincinnati, Ohio.

PRODUCT: 10 32-pound cartons of butter at Fort Thomas, Ky.

LABEL, IN PART: (Carton) "Jersey Farm Dairy Creamery Butter 1 Lb. Net Weight Distributed by Jersey Farm Dairy, Ft. Thomas, Ky."

NATURE OF CHARGE: Misbranding, Section 403 (a), the product failed to bear a label containing an accurate statement of the quantity of the contents since the cartons contained less than 1 pound net weight.

DISPOSITION: March 7, 1949. The Merchants Creamery Co. having appeared as claimant, 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 Food and Drug Administration.

MISCELLANEOUS DAIRY PRODUCTS

15116. Adulteration and misbranding of cottage cheese and creamed cottage cheese. U. S. v. Chaplin Dairy Products Corp. Plea of nolo contendere. Fine of \$250 on each of first 4 counts of information; fine suspended on remaining 4 counts. (F. D. C. No. 26814. Sample Nos. 6568-K, 6569-K, 8373-K, 8374-K.)

INFORMATION FILED: July 14, 1949, Western District of New York, against the Chaplin Dairy Products Corp., Rochester, N. Y.

ALLEGED SHIPMENT: On or about December 27 and 30, 1948, from the State of New York into the State of New Jersey.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in part of filthy substances by reason of the presence of rodent hair fragments and insect fragments; and, Section 402 (a) (4), they had been prepared, packed, and held under insanitary conditions whereby they may have become contaminated with filth.

Misbranding, Section 403 (g) (1), the cottage cheese and the creamed cottage cheese failed to conform to the definitions and standards of identity in the following respects: The cottage cheese had not been prepared from pasteurized skim milk; one of the three lots of creamed cottage cheese had not been prepared from pasteurized milk ingredients and contained more than 80 percent of moisture; one lot of creamed cottage cheese contained less than 4 percent by weight of milk fat; and the third lot of creamed cottage cheese contained more than 80 percent of moisture.

DISPOSITION: September 13, 1949. A plea of nolo contendere having been entered, the court imposed a fine of \$250 on each of the first 4 counts and suspended the fine on the remaining 4 counts.

15117. Adulteration of cream. U. S. v. 1 Can * * * (and 1 other seizure action). (F. D. C. Nos. 27257, 27258. Sample Nos. 49927-K, 49932-K.)

LIBELS FILED: March 28, 1949, and April 6, 1949, District of Colorado.

ALLEGED SHIPMENT: On or about March 24, 1949, by Bessie Knight, Benkelman, Nebr., and on or about April 1, 1949, by the Robinson Milling Co., from Wakeeney, Kans.