

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 urine and rodent excreta; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: August 24, 1949. The Golden Gate Grocery Co. Warehouse, claimant, having consented to the entry of decrees, judgments of condemnation were entered and the court ordered that the product be released under bond for segregation of the unfit portion for use as stock or poultry feed, under the supervision of the Food and Drug Administration.

Salvaging operations resulted in the segregation of 121 100-pound bags that were fit for human consumption; 87 100-pound bags were denatured with fish oil and sold for use as animal feed.

DAIRY PRODUCTS

BUTTER

The following cases report actions involving butter that consisted in whole or in part of filthy or decomposed substances, No. 15217; that was below the legal standard for milk fat content, Nos. 15218 to 15220; and that was short of the declared weight, Nos. 15220 and 15221.

15217. Adulteration of butter. U. S. v. 1 Case, etc. (F. D. C. No. 27364. Sample Nos. 43941-K, 43976-K.)

LIBEL FILED: October 12, 1948, Southern District of Indiana.

ALLEGED SHIPMENT: On or about September 13 and 16, 1948, by the Beatrice Foods Co., Blue Valley Division, from Louisville, Ky.

PRODUCT: 10 cases, each containing 32 1-pound cartons and each carton containing 4 ¼-pound prints, of butter at Muncie, Ind.

LABEL, IN PART: "Meadow Gold Butter."

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 rodent hair fragments and insect fragments, including the fragments of flies; and Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 8, 1949. Default decree of forfeiture and destruction.

15218. Adulteration and misbranding of butter. U. S. v. 17 Boxes (2,048 pounds) * * * (and 1 other seizure action). (F. D. C. Nos. 27367, 27368. Sample Nos. 44780-K, 45101-K.)

LIBELS FILED: On or about May 2 and 12, 1949, Southern District of New York.

ALLEGED SHIPMENT: On or about April 13 and 30, 1949, by the Golden Valley Creamery, from Park River, N. Dak.

PRODUCT: 32 64-pound boxes of butter at New York, N. Y.

LABEL, IN PART: "Butter Distributed By Hunter, Walton & Co. 950 New York."

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.

Misbranding, Section 403 (a), the article was labeled "Butter," which was false and misleading as it contained less than 80 percent milk fat.

DISPOSITION: May 23, 1949. Hunter, Walton & Co., claimant, having admitted the allegations of the libels, judgments of condemnation were entered and the court ordered that the product be released under bond for reworking, under the supervision of the Food and Drug Administration.

15219. Adulteration of butter. U. S. v. 14 Boxes (910 pounds) * * *
(F. D. C. No. 27366. Sample Nos. 13508-K, 25800-K.)

LIBEL FILED: April 28, 1949, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about April 22, 1949, by the Stockholm Creamery, from Stockholm, S. Dak.

PRODUCT: 14 65-pound boxes of butter at Philadelphia, Pa.

LABEL, IN PART: "Butter Distributed by C. G. Heyd & Co. 2243 Phila. Pa."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent of milk fat had been substituted for butter.

DISPOSITION: May 4, 1949. C. G. Heyd & Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for reconditioning, under the supervision of the Federal Security Agency. The product was subsequently reworked so that it would contain the proper amount of milk fat.

15220. Adulteration and misbranding of butter. U. S. v. Mountain States Creamery Co. of Colorado. Plea of guilty. Fine, \$400. (F. D. C. No. 27490. Sample Nos. 29263-K, 29264-K, 29271-K.)

INFORMATION FILED: July 19, 1949, District of Colorado, against the Mountain States Creamery Co. of Colorado, a corporation, Denver, Colo.

ALLEGED SHIPMENT: On or about April 19 and 22 and May 10, 1949, from the State of Colorado into the States of Wyoming and Nevada.

LABEL, IN PART: "One Pound Mountain Maid Butter" and "2 Lbs. Net When Packed Butter Patties Mountain States Distributing Co., Denver, Colorado."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents. The cartons containing the article contained less than the declared amount. Adulteration, Section 402 (b) (1), a valuable constituent had been in part omitted from a portion of the article; and, Section 402 (b) (2), a product which contained less than 80 percent by weight of milk fat had been substituted for butter, in a portion of the article.

DISPOSITION: August 8, 1949. A plea of guilty having been entered, the court imposed a fine of \$400.

15221. Misbranding of butter. U. S. v. 20 Cases * * *. (F. D. C. No. 27365. Sample No. 29263-K.)

LIBEL FILED: April 21, 1949, District of Nevada.

ALLEGED SHIPMENT: On or about April 20, 1949, by the Mountain States Creamery Co., from Denver, Colo.

PRODUCT: 20 cases, each containing 20 2-pound cartons, of butter at Las Vegas, Nev.

LABEL, IN PART: (Carton) "2 Lbs. Net When Packed Butter Patties 72 Individual Servings."