

15616. Adulteration of butter. U. S. v. 50 64-Pound Cubes. Consent decree of condemnation. Product ordered released under bond to be rendered. Government's motion denied for forfeiture of bond and to have claimant held in contempt of court. (F. D. C. No. 25828. Sample No. 40638-K.)

LIBEL FILED: August 10, 1948, Western District of Washington.

ALLEGED SHIPMENT: On or about July 21, 1948, by the Farmers Union Co-operative Creamery, from Williston, N. Dak.

PRODUCT: 50 64-pound cubes of butter at Seattle, Wash.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance. (Analysis showed that the product contained rodent hairs, insects, and insect fragments.)

DISPOSITION: August 19, 1948. The Farmers Union Co-operative Creamery, 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, to be rendered into inedible grease under the supervision of the Food and Drug Administration and sold after such rendering. The product was rendered on August 20, 1948, without the supervision of the Food and Drug Administration. A motion was filed by the Government for forfeiture of the bond and to hold the claimant in contempt of court. On March 21, 1949, this motion was denied.

15617. Adulteration of butter. U. S. v. Hugh A. Pruitt (Pruitt Produce Co.). Plea of guilty. Fine, \$200. (F. D. C. No. 25321. Sample Nos. 15178-K, 15181-K, 41718-K.)

INFORMATION FILED: October 22, 1948, Eastern District of Oklahoma, against Hugh A. Pruitt, trading as the Pruitt Produce Co., Ardmore, Okla.

ALLEGED SHIPMENT: On or about July 3, and 17, 1948, from the State of Oklahoma into the State of Illinois.

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent of the article, milk fat, had been in part omitted; and, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: November 30, 1949. A plea of guilty having been entered, the defendant was fined \$200.

15618. Adulteration of butter. U. S. v. 1,162 1-Pound Packages (and 1 other seizure action). (F. D. C. Nos. 28545, 29000. Sample Nos. 13851-K, 13855-K.)

LIBELS FILED: December 2, and 6, 1949, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about November 18, 1949, by Midwest Dairy Despatch, from Minneapolis, Minn.

PRODUCT: 2,279 1-pound packages of butter at Philadelphia, Pa.

LABEL, IN PART: "Gurnse Brand Butter * * * Packed by P. F. Brown & Co., Phila., Pa."

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: December 7, 1949. P. F. Brown & Co., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the court ordered that the product be released under bond, to be brought into com-

pliance with the law, under the supervision of the Federal Security Agency. The butter was reworked to the legal standard.

CHEESE

15619. Adulteration and alleged misbranding of Cheddar cheese. U. S. v. Wilson & Co., Inc., and Robert H. Forbess. Pleas of not guilty. Tried before a jury. Directed verdict of not guilty with respect to Robert H. Forbess; verdict of guilty with respect to Wilson & Co., Inc. Motion for new trial granted. Plea of nolo contendere subsequently entered. Fine, \$300. (F. D. C. No. 20961. Sample Nos. 13672-H, 24367-H, 24436-H, 24439-H.)

INFORMATION FILED: March 15, 1947, Southern District of Mississippi, against Wilson & Co., Inc., trading at Macon, Miss., and Robert H. Forbess, manager.

ALLEGED SHIPMENT: On or about May 2 and June 1, 1945, from the State of Mississippi into the States of Louisiana and Tennessee.

NATURE OF CHARGE: Adulteration (counts 1 and 3), Section 402 (b) (2), a product containing in its solids less than 50 percent of milk fat had been substituted for Cheddar cheese.

Misbranding (counts 2 and 4), Section 403 (g) (1), the product failed to conform to the definition and standard of identity for Cheddar cheese, which definition and standard provides that Cheddar cheese contain in its solids not less than 50 percent of milk fat.

DISPOSITION: The defendants having entered pleas of not guilty, the case was tried to a jury on May 12 and 13, 1948. At the conclusion of the defendants' evidence, counsel for the defendants moved for a directed verdict of acquittal. The motion was granted with respect to Robert H. Forbess, but was denied with respect to Wilson & Co., Inc. The jury retired and returned a verdict finding the firm guilty. The court assessed a fine of \$1,500 on each of counts 1 and 3, and on or about May 27, 1948, dismissed counts 2 and 4. Counsel for Wilson & Co., Inc., having filed a motion for a new trial, the defendants' motion was granted on or about December 21, 1948.

The case was not retried, however; and on April 26, 1949, counsel for the defendant appeared in court and entered a plea of nolo contendere, which plea was accepted by the court, and the defendant was sentenced to pay a fine of \$150 on each of counts 1 and 3.

15620. Adulteration of Cheddar cheese. U. S. v. Approximately 40,213 Pounds * * *. (F. D. C. No. 27987. Sample No. 56982-K.)

LIBEL FILED: September 22, 1949, District of New Jersey.

ALLEGED SHIPMENT: On or about August 3, 1949, by the Hygrade Food Products Corp., from Manchester, Iowa.

PRODUCT: Approximately 40,213 pounds of Cheddar cheese at Harrison, N. J.

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 insects, fragments of cockroaches, flies and other insects, mites, feather fragments, manure, rust, soil, plant material, mold, metal, and wood particles; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 30, 1950. The Hygrade Food Products Corp., claimant, having consented to the entry of a decree, judgment of condemnation was