

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed wheat, and it was otherwise unfit for food by reason of the presence of musty wheat.

DISPOSITION: September 27, 1950. Harold Peck, Murdo, S. Dak., 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 reprocessing, under the supervision of the Food and Drug Administration. The good portion of the wheat, 74,820 pounds, was segregated and released for human food purposes, and the unfit portion, 42,360 pounds, was denatured and disposed of for use as hog feed.

DAIRY PRODUCTS

BUTTER

17816. Adulteration of butter. U. S. v. Sumner County Co-Operative Creamery Assn. Plea of nolo contendere. Fine, \$100. (F. D. C. No. 30108. Sample No. 81897-K.)

INFORMATION FILED: March 29, 1951, Middle District of Tennessee, against the Sumner County Co-Operative Creamery Assn., a corporation, Gallatin, Tenn.

ALLEGED SHIPMENT: On or about September 9, 1950, from the State of Tennessee into the State of North Carolina.

LABEL, IN PART: (Carton) "Dutch Brand One Pound Net Weight Creamery Butter Distributed by Lewis Foods, Incorporated Greensboro, N. C."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect fragments, fly fragments, and feather barbules.

DISPOSITION: October 3, 1951. A plea of nolo contendere having been entered, the court imposed a fine of \$100.

17817. Adulteration of butter. U. S. v. 144 Boxes (8,640 pounds) * * *. Tried to the jury. Verdict for the Government. Decree of condemnation. (F. D. C. No. 29766. Sample No. 76199-K.)

LIBEL FILED: June 26, 1950, District of Minnesota.

ALLEGED SHIPMENT: On or about June 14, 1950, by North American Creameries, Inc., from Watertown, S. Dak.

PRODUCT: 144 60-pound boxes of butter at Paynesville, Minn.

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 and fly fragments, insect eggs, manure, rat or mouse hairs, and sediment.

DISPOSITION: North American Creameries, Inc., having filed an answer denying that the product was adulterated, the case came on for trial before a jury on May 18, 1951. At the conclusion of the trial, a verdict was returned in favor of the Government, and on June 19, 1951, the court entered a decree of condemnation. On July 25, 1951, the court ordered that the product be released under bond to the claimant to be converted to some commercial use other than food, under the supervision of the Food and Drug Administration.