

**17911. Adulteration of butter. U. S. v. 65 Cases \* \* \*. (F. D. C. No. 31812. Sample No. 11538-L.)**

**LABEL FILED:** September 5, 1951, Western District of North Carolina.

**ALLEGED SHIPMENT:** On or about August 15, 1951, by Armour Creameries, from Louisville, Ky.

**PRODUCT:** 65 cases, each containing 65 pounds, of butter at Asheville, N. C.

**LABEL, IN PART:** "Butter Distributed by Armour Creameries General Office Chicago, Illinois."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of having been made from moldy and decomposed cream.

**DISPOSITION:** October 1, 1951. Armour & Co., Chicago, Ill., 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 conversion into butter oil, under the supervision of the Federal Security Agency.

### CHEESE

**17912. Adulteration and misbranding of processed cheese and processed cheese food. U. S. v. H. M. Scott, Inc., and Eugene H. Scott. Pleas of guilty. Fine of \$500 distributed equally between defendants. (F. D. C. No. 30593. Sample Nos. 55053-K to 55055-K, incl., 85047-K.)**

**INFORMATION FILED:** On or about May 24, 1951, Eastern District of Tennessee, against H. M. Scott, Inc., a corporation, Sweetwater, Tenn., and Eugene H. Scott, vice president.

**ALLEGED SHIPMENT:** On or about September 22 and 26 and October 20, 1950, from the State of Tennessee into the States of Alabama and Virginia.

**LABEL, IN PART:** "Scott's Mountain Dale Processed Cheese Food [or "Mountain Dale Process Cheese"] \* \* \* Manufactured by H. M. Scott Sweetwater, Tenn."

**NATURE OF CHARGE:** Adulteration (2 shipments of processed cheese food and shipment of processed cheese), Section 402 (a) (3), the products consisted in part of filthy substances by reason of the presence of insect fragments, mites, and rodent hair fragments, and by reason of the use of filth-contaminated milk in their preparation; and, Section 402 (a) (4), they had been prepared, packed, and held under insanitary conditions whereby they may have become contaminated with filth. Further adulteration (all shipments of processed cheese food), Section 402 (b) (2), processed cheese food containing more than 45 percent of moisture and (in 3 of the 4 shipments) less than 45 percent of fat had been substituted in whole or in part for processed cheese food which should contain a minimum of 45 percent of fat and a maximum of 45 percent of moisture, which the product was represented to be.

Misbranding (processed cheese food), Section 403 (a), the label statements "Ingredients: 45% Fat, Water Free Minimum, 45% Moisture Maximum" were false and misleading since all lots contained more than 45% of moisture and 3 of the 4 lots contained less than 45 percent of fat.

**DISPOSITION:** December 3, 1951. Pleas of guilty having been entered, the court imposed a total fine of \$500 to be distributed equally between the defendants.