

18116. Misbranding of butter. U. S. v. 107 Cases * * *. (F. D. C. No. 32541. Sample No. 4028-L.)

LIBEL FILED: On or about February 20, 1952, District of Maryland.

ALLEGED SHIPMENT: On or about February 7, 1952, by State Brand Creameries, Inc., from Mason City, Iowa.

PRODUCT: 107 cases, each containing 32 1-pound cartons, of butter at Baltimore, Md.

LABEL, IN PART: (Carton) "John Poehlman & Sons, Inc. Worthmore Sweet Cream Butter"; (¼-pound prints) "Each Quarter Pound of Worthmore Butter Contains 5600 Units of Vitamin A."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statements "Each Quarter Pound of Worthmore Butter Contains approximately 5600 Units of Vitamin A So Necessary to Growth, Development, and General Health and Vigor. * * * Butter is 99% digestible" were false and misleading since a quarter pound of the product contained less than 5,600 units of vitamin A; the product would not promote growth, development, general health, and vigor; and it was not 99% digestible.

Further misbranding, Section 403 (e) (1), the name appearing on the product was the name of the distributor and was not so designated.

DISPOSITION: March 19, 1952. John Poehlman & Sons, Inc., Baltimore Md., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling and reconditioning if fit for use; otherwise, for extracting the butter fat therefrom so as to conform to the law, under the supervision of the Federal Security Agency.

CHEESE

18117. Adulteration and misbranding of Cheddar cheese. U. S. v. Farmers Milk Products Co. and Joe A. O'Berto. Pleas of guilty. Fine of \$1,800 against company and \$200 against individual, plus costs against both defendants. (F. D. C. No. 31546. Sample Nos. 6913-L to 6915-L, incl.)

INFORMATION FILED: October 17, 1951, Southern District of Illinois, against the Farmers Milk Products Co., a corporation, Flanagan, Ill., and Joe A. O'Berto, president of the corporation.

ALLEGED SHIPMENT: On or about May 22 and June 23, 1951, from the State of Illinois into the State of Pennsylvania.

LABEL, IN PART: "Illinois Cheddar Cheese."

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

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for Cheddar cheese since the milk used in the manufacture of the article was not pasteurized, and the article had not been cured at a temperature of 35° F. for a period of not less than 60 days, as required by the definition and standard.

DISPOSITION: October 31, 1951. Pleas of guilty having been entered, the court imposed a fine of \$1,800 against the corporation and a fine of \$200 against the individual, plus costs against both of the defendants.

18118. Adulteration and misbranding of process cheese. U. S. v. 6 Cartons
* * *. (F. D. C. No. 32542. Sample No. 34145-L.)

LIBEL FILED: On or about March 4, 1952, Western District of Missouri.

ALLEGED SHIPMENT: On or about January 11 and 14, 1952, by Todd Cheese Products, Inc., from Girard, Kans.

PRODUCT: 6 cartons, each containing 6 5-pound loaves, of process cheese at Mount Vernon, Mo.

LABEL, IN PART: (Loaf) "Spring River Pasteurized Process American Cheese" or "Jayhawk Brand Pasteurized Process Cheese."

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 mold; and, Section 402 (b) (2), a product containing more than 40% of moisture and the solids of which contained less than 50% of milk fat had been substituted in whole or in part for "Pasteurized Process American Cheese."

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for "Pasteurized Process American Cheese" since it contained more than 40% of moisture, and its solids contained less than 50% of milk fat.

DISPOSITION: April 4, 1952. Default decree of condemnation and destruction.

EGGS

18119. Adulteration of frozen eggs. U. S. v. 700 Cans * * *. (F. D. C. No. 31626. Sample Nos. 25492-L, 25498-L.)

LIBEL FILED: August 16, 1951, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about July 24, 1951, by Arthur Redmond Co., Inc., from Terre Haute, Ind.

PRODUCT: 700 300-pound cans of frozen eggs at Philadelphia, Pa.

LABEL, IN PART: "Kirby (K)uality Kirtex made of Whole Eggs, Egg Yolks, Sugar and Salt."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed eggs.

DISPOSITION: September 12, 1951. Arthur Redmond Co., Inc., New York, N. Y., 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 segregation and destruction of the unfit portion, under the supervision of the Federal Security Agency. 287 cans of the product were found to be unfit and were denatured.