

presence of a filthy substance in such articles and the preparation and packing of these articles under insanitary conditions.

**DISPOSITION:** On 3-29-46, Marion Creameries, Inc., and the individual defendants having agreed to the entry of a temporary injunction, the court entered an order enjoining, during the pendency of the action and until further order of the court, Marion Creameries, Inc., and the individual defendants from introducing and delivering for introduction into interstate commerce any food product adulterated within the meaning of 402 (a) (3) and (4).

In the case of Kingan & Co., Inc., an answer was filed stating that it no longer was operating in the State of Kentucky, having legally withdrawn from this State about 1-1-46. On 10-14-46, the court entered an order dismissing the injunction proceedings as to Kingan & Co., Inc., for lack of jurisdiction.

On 8-18-47, the action against Marion Creameries, Inc., and the individual defendants was dismissed without prejudice.

**23415. Butter and cheese products. (Inj. No. 119.)**

**COMPLAINT FOR INJUNCTION FILED:** 11-21-45, N. Dist. Iowa, against Wapsie Valley Creamery, Inc., Independence, Iowa, and Clarence A. Nielsen, vice president and general manager of the corporation.

**CHARGE:** The complaint alleged that the defendants, from on or about the month of June 1945 to the time of filing the complaint, had been preparing and processing butter and cheese products under grossly insanitary conditions at the corporation's plant at Independence, Iowa; that the articles so prepared and processed contained manure, spiders, ants, weevils, miscellaneous insect parts, rodent hairs, straw, plant material, sand, rust, cow hairs, and mud, and were adulterated within the meaning of 402 (a) (3) and (4); and that the articles had been and still were being shipped in interstate commerce by the defendants.

**DISPOSITION:** On 2-8-46, with the consent of the parties, the court entered an order providing for continuance of the case until the December 1946 term of court on condition that the defendants should not ship or cause to be shipped in interstate commerce prior to such term of court any cheese or other milk products manufactured at the defendants' Independence plant.

On 12-16-46, the parties having stipulated that the corporation's milk supply used in the manufacture of cheese and other milk products was then in substantial compliance with the law, and the court having been advised that the sanitary conditions of the defendants' plant was then of such character that no serious objection thereto was made by the Government, an order was entered permitting the defendant to ship its products in interstate commerce if in compliance with the law and continuing the injunction proceedings until 4-21-47 for consideration on whether such proceedings should be dismissed.

On 4-21-47, the court entered an order dismissing the proceedings since it appeared that the defendants had greatly improved the sanitary conditions of their plant and were operating in compliance with the law.

**23416. Cheese and milk products. (Inj. No. 79.)**

**COMPLAINT FOR INJUNCTION FILED:** 1-10-45, N. Dist. Iowa, against August Lindner, t/a Odebolt Dairy, Odebolt, Iowa.

**CHARGE:** The complaint alleged that the defendant, at the time of filing the complaint, had been engaged in the business of preparing, processing, and manufacturing cheese and other milk products under grossly insanitary conditions, which products were offered for shipment in interstate commerce at various

intervals; that such products were adulterated within the meaning of 402 (a) (3) and (4) in that they contained barnyard manure, flies, dirt, rust, animal hairs, pus from infected cow udders, and other filthy and deleterious substances unfit for food; and that they had been prepared, processed, and manufactured under insanitary conditions whereby they may have become contaminated with filth.

The complaint alleged further that inspections made by inspectors of the Food and Drug Administration had revealed the existence of insanitary conditions in defendant's plant; that the defendant had been warned to remedy the defects existing in his method of making, processing, and manufacturing such products, and had been warned not to ship adulterated products in interstate commerce in violation of the Federal Food, Drug, and Cosmetic Act; that notwithstanding such warnings, the defendant had failed to remedy the objectionable conditions and continued to make, process, and manufacture cheese and milk products under insanitary conditions; and that the defendant continued and, unless restrained, would continue to ship such products and offer them for shipment and introduction into interstate commerce.

**DISPOSITION:** On 2-14-45, the court issued a temporary injunction enjoining the defendant from shipping or introducing into interstate commerce any cheese or other milk products prepared, processed, or manufactured in his Odebolt plant, pending further hearing and order of the court. Thereafter, the defendant having gone out of business, the court entered an order on 5-22-45 dissolving the temporary injunction.

**23417. Butter.** (F. D. C. No. 35845. S. No. 61-725 L.)

**QUANTITY:** 16 66-lb. cartons at Kansas City, Mo.

**SHIPPED:** 7-22-53, from Salina, Kans., by Harding Cream Co.

**LABEL IN PART:** (Carton) "199085 Ice Cream Sweet."

**LIBELED:** On or about 9-18-53, W. Dist. Mo.

**CHARGE:** 402 (a) (3)—contained filthy substance when shipped.

**DISPOSITION:** 11-6-53. Default—converted to animal feed.

## EGGS

**23418. Shell eggs and frozen eggs.** (Inj. No. 86.)

**COMPLAINT FOR INJUNCTION FILED:** 3-5-45, N. Dist. W. Va., against Bowser Sales & Trading Corp., Sistersville, W. Va., and William H. Bowser, principal stockholder and directive head of the corporation.

**CHARGE:** The complaint alleged that the defendants, at the time of filing the complaint, had been buying and storing shell eggs and had been breaking, packaging, and freezing whole eggs under insanitary and unhealthful conditions whereby the eggs were contaminated with filth; that the eggs consisted in part of a filthy and decomposed substance which was unfit for food and were adulterated within the meaning of 402 (a) (3) and (4); that the eggs were being prepared by the defendants at their Sistersville plant and were being stored at that plant and at a commercial cold storage plant at Parkersburg, W. Va.; and that the Government was informed and believed that the eggs were being prepared and stored for shipment in interstate commerce.

**DISPOSITION:** On 3-5-45, the court issued a temporary restraining order enjoining the defendants from shipping or offering for shipment in interstate commerce shell eggs and frozen eggs from their Sistersville plant and from