

CHARGE: 402(a) (3)—contained rodent urine; and 402(a) (4)—held under insanitary conditions.

DISPOSITION: 3-1-61. Default—destruction.

DAIRY PRODUCTS

BUTTER

27093. Butter. (F.D.C. No. 43758. S. Nos. 13-254/55 R.)

QUANTITY: 6 cases, each containing 9 5-lb. rolls, and 25 1-lb. prints, at Chicago, Ill.

SHIPPED: 12-27-60, from outside the State of Illinois.

LIBELED: 2-6-61, N. Dist. Ill,

CHARGE: 402(b) (2)—while held for sale, a product containing less than 80 percent by weight of milk fat had been substituted for butter; and 402(b) (4)—water had been added to the article or mixed or packed therewith so as to increase its bulk or weight and reduce its quality.

DISPOSITION: 3-9-61. Default—destruction.

27094. Butter. (F.D.C. No. 43744. S. Nos. 9-022/3 R.)

QUANTITY: 157 cases, 32 1-lb. prints each, and 30 cases, 12 1-lb. prints each, at Rochester, N.Y.

SHIPPED: A quantity of cream was shipped on 7-26-60, from Boston, Mass.

RESULTS OF INVESTIGATION: Examination showed that the butter was made from cream which became decomposed after shipment.

LIBELED: 8-9-60, W. Dist. N.Y.,

CHARGE: 402(a) (3)—contained a decomposed substance while held for sale.

DISPOSITION: 9-27-60. Consent—claimed by Pavilion Creamery Co., Inc., Rochester, N.Y., and converted into butter oil.

27095. Butter. (F.D.C. No. 43757. S. No. 58-903 R.)

QUANTITY: 41 64-lb. boxes at Chicago, Ill.

SHIPPED: 1-3-61, from Shawano, Wis., by Consolidated Badger Cooperative.

LIBELED: 2-9-61, N. Dist. Ill.

CHARGE: 402(b) (2)—when shipped, a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: 2-15-61. Consent—claimed by Berkshire Foods, Inc., Chicago, Ill., and reworked.

CHEESE

27096. Cheddar cheese. (Inj. No. 395.)

COMPLAINT FOR INJUNCTION FILED: 1-5-61, Dist. S. Dak., against Dakota Cheese Co., a corporation, Pollock, S. Dak., and Robert R. Richardson, manager.

CHARGE: The complaint alleged that the defendants were engaged in operating a cheese factory producing cheddar cheese, and that the cheese when introduced into interstate commerce was adulterated as follows:

402(a) (3)—contained rodent hair fragments, moth scales, insect fragments, fly seta, feather barbules, and plant and manure fragments primarily because of the use of dirty, contaminated milk in the preparation of the cheese.

The complaint alleged further that the defendants were well aware that their activities were in violation of the Act in that on each of three inspections in a period of one month, the defendant, Robert R. Richardson, was warned that the quality of the milk was very poor and that a fieldman should be hired to work with the patrons to improve the quality of the milk; and he was advised that filtering and other manipulation of the milk during processing into cheese will likely continue to remove objective filth but that these processes would not effectively remove the soluble filth elements, such as insect body juices and fatty substances, introduced into the finished product by the use of grossly contaminated milk.

DISPOSITION: 1-5-61. A temporary restraining order was issued by the court enjoining the defendants from introducing into interstate commerce cheddar cheese which was adulterated as described in the complaint.

1-11-61. The defendants having consented, the court entered a decree of permanent injunction enjoining them against causing cheddar cheese or any similar article of food which is adulterated as alleged in the complaint, to be introduced and delivered for introduction into interstate commerce. The defendants were further enjoined from shipping cheddar cheese in interstate commerce until such measures are taken as will insure acceptance of clean milk, free of sediment and other foreign matter, and the rejection of other milk.

27097. Grated cheese. (F.D.C. No. 45055. S. No. 7-577 R.)

QUANTITY: 25 cases, 24 5-oz. jars each, at Boston, Mass., in possession of John Zedros, Inc.

SHIPPED: 9-4-60, from Hinesburg, Vt., by Brunetto Economou Cheese Corp.

LABEL IN PART: (Jar) "Alma Brand Italian Style Grated Cheese Made from partially skimmed milk. A skillfully blended mixture of domestic and Italian imported cheese * * * Packed by John Zedros, Inc., Boston, Mass."

RESULTS OF INVESTIGATION: Examination showed that the article failed to meet the definition and standard for hard grating cheeses in that it contained more than 34 percent of moisture, and its solids contained less than 32 percent of milk fat. The article was shipped unlabeled and subsequently labeled by the dealer as described above.

LIBELED: 10-21-60, Dist. Mass.,

CHARGE: 402(b)(1)—when shipped, the valuable constituent, milk fat, had been in part omitted or abstracted from the article; 403(a)—while held for sale, the label statements "Italian Style Grated Cheese" and "A skillfully blended mixture of domestic and imported cheese" were false and misleading as applied to a product containing more than 34 percent of moisture, and less than 32 percent of milk fat; 403(f)—while held for sale, the name and address of the manufacturer and the quantity of contents statement were not prominently placed on the label with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling), as to render them likely to be read and understood by the ordinary individual under customary conditions of purchase and use; and 403(g)(1)—when shipped, the article failed to conform to the definition and standard of identity for grated hard grating cheese.

DISPOSITION: 11-29-60. Default—delivered to a public institution.