

SHIPPED: 11-14-63, from Wall Lake, Iowa.

LIBELED: On or about 1-27-64, N. Dist. Tex.

CHARGE: 402(a)(3)—contained rodent excreta pellets, rodent hairs, rodent nesting material and rodent-gnawed kernels; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 4-16-64. Default—destruction.

29537. Unpopped popcorn. (F.D.C. No. 49835. S. Nos. 55-755/9 A.)

QUANTITY: 88 cases, each containing 12 32-oz. bags of yellow popcorn; 162 cases, each containing 6 4-lb. bags of yellow popcorn; 132 cases, each containing 12 32-oz. bags of white popcorn; and 116 cases, each containing 6 4-lb. bags of white popcorn and 25 100-lb. bags of yellow popcorn, at Council Bluffs, Iowa.

SHIPPED: 2-5-64, from Milwaukie, Oreg., by East Portland Warehouse Co. This was a return shipment.

LABEL IN PART: (Bag) "Popcorn * * * Council Bluffs, Iowa."

LIBELED: 3-12-64, S. Dist. Iowa.

CHARGE: 402(a)(3)—contained live and dead insects, insect fragments, and insect excreta when shipped.

DISPOSITION: 4-28-64. Default—destruction.

DAIRY PRODUCTS

BUTTER

29538. Butter. (F.D.C. No. 43691. S. No. 59-761 P.)

INFORMATION FILED: 12-4-59, Dist. Md., against Potomac Creamery Co., Inc., Hagerstown, Md., William G. McKay, president, and Francis McKay, plant superintendent.

SHIPPED: 7-22-59, from Maryland to Pennsylvania.

LABEL IN PART: "Potomac BRAND ONE POUND NET CREAMERY BUTTER MADE FROM SELECTED SWEET CREAM POTOMAC CREAMERY CO. INC., HAGERSTOWN, MD."

CHARGE: 402(a)(3)—when shipped, contained a decomposed substance by reason of having been manufactured from rotten cream; 402(b)(1)—the valuable constituent, milk fat, had been in part omitted from the article; 402(b)(2)—a product containing less than 80 percent by weight of milk fat had been substituted for butter; and 403(a)—the label was false and misleading since it indicated that the article had been made from selected sweet cream.

PLEA: Not guilty.

DISPOSITION: The case came to trial before the court without a jury on 3-6-61, and was concluded on 3-8-61. The defendants were found guilty of the adulteration charges and not guilty of the misbranding charge. The court imposed the following fines: Corporation—\$500 fine; William G. McKay—\$400 fine; Francis McKay—\$100 fine; plus costs, against each defendant.

29539. Butter. (F.D.C. No. 47643. S. No. 33-806 V.)

QUANTITY: 6 boxes, each containing 64 lbs., at Faribault, Minn.

SHIPPED: 10-29-62, from Chester, Iowa, by Chester Creamery Co.

LABEL IN PART: (Box) "Creamery Butter."

LIBELED: 11-5-62, Dist. Minn.

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

DISPOSITION: 1-9-63. Default—delivered to a public institution.

CHEESE

29540. Cheddar cheese. (F.D.C. No. 49589. S. No. 58-465 X.)

QUANTITY: 18 cases, each containing 4 12-lb. longhorns, at Los Angeles, Calif.

SHIPPED: 12-13-63, from Salt Lake City, Utah, by Brooklawn Creamery Co.

LIBELED: 1-7-64, S. Dist. Calif.

CHARGE: 402(a)(2)(C)—when shipped, the article contained dieldrin, a food additive, which is unsafe within the meaning of 409, since it, its use, or intended use were not in conformity with a regulation or exemption.

DISPOSITION: 1-30-64. Default—destruction.

29541. Cheddar cheese. (F.D.C. No. 50033. S. No. 44-470 A.)

QUANTITY: 110 lbs., packed 6 5-lb. loaves to a box, at Lyman, Wyo.

SHIPPED: 2-10-64, from Salt Lake City, Utah, by Brooklawn Creamery Co.

LABEL IN PART: (Box) "Factory No. 10 * * * Brooklawn Cheddar Cheese Manufactured by Brooklawn Creamery Company, Salt Lake City, Utah."

LIBELED: 3-27-64, Dist. Wyo.

CHARGE: 402(a)(2)(C)—when shipped, the article contained dieldrin, a food additive, which is unsafe within the meaning of 409, since it, its use, or intended use were not in conformity with a regulation or exemption.

DISPOSITION: 5-1-64. Default—destruction.

29542. Cheddar cheese. (F.D.C. No. 49937. S. No. 61-105 A.)

QUANTITY: 10 ctns., each containing 4 12-lb. longhorns, at Phoenix, Ariz.

SHIPPED: 1-3-64 and 1-17-64, from Salt Lake City, Utah, by Brooklawn Creamery Co.

LABEL IN PART: (Ctn.) "Brooklawn Pasteurized Whole Milk Rindless Longhorn Cheddar Cheese Manufactured by Brooklawn Creamery Company General Offices—Salt Lake City—Utah Factory No. 10."

LIBELED: 3-23-64, Dist. Ariz.

CHARGE: 402(a)(2)(C)—when shipped, the article contained dieldrin, a food additive, which was unsafe within the meaning of 409, since it, its use, or intended use were not in conformity with a regulation or exemption.

DISPOSITION: 5-14-64. Default—destruction.

MISCELLANEOUS DAIRY PRODUCT

29543. Nonfat dry milk solids. (F.D.C. No. 49672. S. Nos. 2-486/88 X.)

QUANTITY: 213 bags at Miami, Fla.

SHIPPED: 10-30-63, from Watertown, Wis., by William Fitzgerald Milk Products Corp.

LABEL IN PART: (Bag) "Extra Grade Nonfat Dry Milk Solids 100 Lbs. Net."