

in that the prints did not contain "One Pound Net Weight," as labeled. The article was labeled in part: "Swift's Brookfield Butter."

On March 28, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a Federal agency.

#### CHEESE

**3259. Adulteration of Cheddar cheese. U. S. v. 20 Cheeses and 9 Cheeses. Default decree of condemnation and destruction. (F. D. C. Nos. 7039, 7040. Sample Nos. 92248-E, 92249-E.)**

Examination showed that this product contained fragments of glass.

On March 13, 1942, the United States attorney for the Southern District of California filed a libel against 29 cheeses at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about January 27, 1942, by Western Creamery Co. from Salt Lake City, Utah; and charging that it was adulterated in that it contained an added deleterious substance, namely, glass, which might have rendered it injurious to health. It was labeled in part: "Koosharem \* \* \* Whole Milk Cheddar Cheese."

On April 14, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3260. Adulteration of Cheddar cheese. U. S. v. 22 Boxes of Cheese. Decree of condemnation and destruction. (F. D. C. No. 6859. Sample No. 85256-E.)**

This product was contaminated with hairs resembling those of rodents.

On February 13, 1942, the United States attorney for the Eastern District of Washington filed a libel against 22 boxes of cheese at Spokane, Wash., alleging that the article had been shipped in interstate commerce on or about January 26, 1942, by Gold Medal Dairies, Inc., from Grantsdale, Mont.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On April 2, 1942, the sole intervenor having withdrawn its claim, judgment of condemnation was entered and the product was ordered destroyed.

**3261. Adulteration of Cheddar cheese. U. S. v. 191 Cases of Cheddar Cheese. Consent decree ordering that unfit portion be condemned and destroyed and that claimant file bond to insure such disposition of product. (F. D. C. No. 5944. Sample No. 65782-E.)**

This product contained insect fragments and feather barbules.

On October 3, 1941, the United States attorney for the District of Idaho filed a libel against 191 cases of Cheddar cheese at Pocatello, Idaho, alleging that the article had been shipped in interstate commerce on or about September 11, 1941, by the Brooklawn Creamery Co. from Salt Lake City, Utah; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On March 10, 1942, the Brooklawn Creamery Co. having consented to the entry of a decree and the court having found that a portion of the product was not subject to condemnation, judgment was entered condemning the unfit and ordering it destroyed and ordering further that all be released under bond for segregation of the fit portion from the unfit portion.

**3262. Adulteration of Cheddar cheese. U. S. v. 149 Boxes of Cheddar Cheese. Default decree of condemnation and destruction. (F. D. C. No. 5983. Sample No. 65784-E.)**

This product contained insect fragments and feather barbules.

On October 6, 1941, the United States attorney for the District of Idaho filed a libel against 149 boxes of Cheddar cheese at Pocatello, Idaho, alleging that the article had been shipped in interstate commerce on or about September 18, 1941, by Calder Bros. Co. from Vernal, Utah; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance, and that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On March 12, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3263. Adulteration of Cheddar cheese. U. S. v. 550 Boxes of Cheddar Cheese. Consent decree of condemnation. Product released under bond for salvaging. (F. D. C. No. 7020. Sample Nos. 86703-E, 86920-E.)**

Examination showed that this product contained rodent hairs and insect fragments.

On or about March 25, 1942, the United States attorney for the Northern District of Illinois filed a libel against 550 boxes of Cheddar cheese at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about January 15, 1942, by Al Hansen from Green Bay, Wis.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On May 28, 1942, C. E. Zuercher & Co., Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for salvaging under the supervision of the Food and Drug Administration. The unfit portion was segregated and denatured.

**3264. Adulteration of Cheddar cheese. U. S. v. 5 Daisies of Cheddar Cheese. Default decree of condemnation and destruction. (F. D. C. No. 6593. Sample No. 83185-E.)**

This product contained insect fragments and excreta.

On January 14, 1942, the United States attorney for the Western District of Louisiana filed a libel against 5 daisies of Cheddar cheese at Monroe, La., alleging that the article had been shipped in interstate commerce on or about November 27, 1941, by the Kraft Cheese Co. from Rusk, Tex.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance; and in that it had been prepared, packed, or held under insanitary conditions whereby it might have become contaminated with filth. It was labeled in part: (Case) "Elk-horn Brand Whole Milk Cheese \* \* \* No. 1 Selected Cheddar Cheese 1 Daisy Net Weight 22 $\frac{1}{4}$ ."

On April 6, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3265. Adulteration of Cheddar cheese. U. S. v. 87 Boxes of Cheddar Cheese. Default decrees of condemnation and destruction. (F. D. C. No. 5903. Sample No. 65781-E.)**

This product contained feather barbules, rodent pellets, rodent hairs, and tooth markings similar to those made by mice.

On October 2, 1941, the United States attorney for the District of Idaho filed a libel against 87 boxes of Cheddar cheese at Pocatello, Idaho, alleging that the article had been shipped in interstate commerce on or about August 29 and September 3 and 9, 1941, by the Mutual Creamery Co. from Laketown, Utah; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On March 10, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3266. Adulteration and misbranding of Cheddar cheese. U. S. v. 40 Boxes of Cheddar Cheese. Consent decree of condemnation. Product ordered released under bond to be reconditioned. (F. D. C. No. 6604. Sample No. 76604-E.)**

This product fell below the standard of identity for Cheddar cheese because it contained more than 39 percent of moisture.

On December 26, 1941, the United States attorney for the Northern District of Iowa filed a libel against 40 boxes each containing 4 longhorns of cheese at Sioux City, Iowa, alleging that the article had been shipped in interstate commerce on or about November 10, 17, and 24, and December 1, 1941, by Sunny Side State Cheese Co. [Sunny State Cheese Co.] from Mitchell, S. Dak.; and charging that it was adulterated and misbranded. It was labeled in part: (Stamped on each longhorn) "Countryside Fancy Cheddar Full Cream Cheese."

The article was alleged to be adulterated in that a substance, water, had been substituted wholly or in part therefor.

It was alleged to be misbranded in that it purported to be a food for which a definition and standard of identity had been prescribed by regulations as provided by law, but it did not conform to such definition and standard since it contained more than 39 percent moisture, namely, an average of 41.24 percent.

On January 16, 1942, Sunny State Cheese Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reprocessed under the supervision of the Food and Drug Administration so as to comply with the law.