

butter at Albany, and 5 cases each containing 30 1-pound rolls of butter at Schenectady, N. Y., and 326 pounds of butter at Allentown, and 303 pounds of butter at Johnstown, Pa., alleging that the article had been shipped in interstate commerce within the period from on or about March 21 to on or about July 2, 1942, by Paul A. Schulze Co. from St. Louis, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance. The article was labeled in part: "Sunshine Valley Brand Butter," or "Clover Springs Brand Butter."

On June 12 and August 3 and 11, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

#### CHEESE

**3699. Misbranding of Swiss cheese. U. S. v. June Dairy Products Co., Inc. Plea of guilty. Fine, \$500. (F. D. C. No. 4174. Sample No. 34217-E.)**

This product was domestic Swiss type cheese falsely labeled as "Switzerland" cheese.

On November 25, 1941, the grand jurors of the United States for the District of New Jersey returned an indictment against June Dairy Products Co., Inc., Jersey City, N. J., alleging that on or about September 27, 1940, the defendant, with intent to defraud and mislead, introduced and delivered for introduction into interstate commerce from the State of New Jersey into the State of New York, a quantity of cheese which was misbranded. The word "Switzerland" was multiply stamped on both the top and bottom rinds of the article, which was invoiced as "Fancy Swiss" and was shipped in response to an order for "Switzerland Cheese."

The article was alleged to be misbranded in that the word "Switzerland" multiply stamped on its was false and misleading since it represented that the article consisted of cheese which had been produced in Switzerland; whereas it did not consist of cheese which had been produced in Switzerland. It was alleged to be misbranded further in that cheese not produced in Switzerland but bearing labeling simulating the labeling stamped upon cheese produced in Switzerland had been offered for sale under the name of another food, i. e., "Switzerland Cheese."

On January 12, 1942, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$500.

**3700. Misbranding of Swiss cheese. U. S. v. June Dairy Products Co., Inc., Murray B. Weil, and Sidney Koch. Pleas of guilty. Fine of \$500 imposed on corporation and \$1,000 on each of the individual defendants. (F. D. C. No. 4174. Sample Nos. 34218-E, 34912-E.)**

This product was domestic Swiss type cheese falsely labeled "Imported Swiss."

On November 25, 1941, the grand jurors of the United States for the District of New Jersey returned an indictment against the June Dairy Products Co., Inc., having places of business at Jersey City and Newark, N. J., and Murray B. Weil and Sidney Koch, alleging that within the period from on or about September 25 to on or about October 5, 1940, the defendants relabeled a quantity of domestic Swiss cheese by stamping on the rind the words "Imported Swiss"; that the said domestic Swiss cheese had been shipped in interstate commerce from Thorp, Wis., on or about September 18, 1940; that the relabeling had been performed while the cheese was held for sale after such shipment in interstate commerce; and that by the act of relabeling the article the defendants did, with intent to defraud and mislead, commit an act, and caused to be committed an act, while the article was held for sale after shipment in interstate commerce, which resulted in its being misbranded as follows: (1) in that the statement "Imported Swiss" stamped on the rind was false and misleading since it represented that the article was imported Swiss cheese, whereas it consisted of domestic Swiss cheese; and (2) in that a domestic Swiss cheese had been offered for sale under the name of another food, namely, "Imported Swiss Cheese."

On January 12, 1942, pleas of guilty were entered on behalf of the defendants and the court imposed a fine of \$500 against the corporation and \$1,000 against each of the individual defendants.

**3701. Adulteration and misbranding of Cheddar cheese. U. S. v. Kadane Creamery Co. and Sheffie A. Kadane. Pleas of guilty. Fines, \$100. (F. D. C. No. 6459. Sample No. 49612-E.)**

This product was higher in moisture and its solids contained less milk fat than required by the definition and standard of identity for Cheddar cheese.