

## CHEESE

**5671. Adulteration of cheese. U. S. v. 69 Boxes and 75 Boxes of Cheese. Consent decrees of condemnation. Product ordered released under bond for reworking or salvaging.** (F. D. C. Nos. 12387, 12421. Sample Nos. 78402-F to 78409-F, incl.)

On May 18 and 26, 1944, the United States attorney for the Northern District of Illinois filed libels against 144 boxes of cheese at Chicago, Ill., alleging that the article had been shipped in interstate commerce within the period from on or about July 23 to November 16, 1943, by the Greco Roman Cheese Co. from Stoughton, Wis.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance by reason of the presence of larvae. The boxes bore various lot numbers and weights.

On June 14 and 26, 1944, the Greco Roman Cheese Manufacturing Co. and C. E. Zuercher & Co., claimants for the respective lots, having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond for reworking or salvaging under the supervision of the Food and Drug Administration.

**5672. Adulteration of cheese. U. S. v. 2,452 Boxes of Cheddar Cheese. Consent decrees of condemnation. Product ordered released under bond for trimming.** (F. D. C. Nos. 10689, 10871. Sample Nos. 38524-F to 38531-F, incl., 38647-F, 38649-F, 38651-F to 38653-F, incl., 38656-F, 38657-F.)

On September 8 and October 9, 1943, the United States attorney for the Northern District of Illinois filed libels against 2,452 boxes of cheese at Chicago, Ill., alleging that the article had been shipped in interstate commerce within the period from on or about June 29 to August 24, 1942, by Schmitt Bros. from LaFarge and Boscobel, Wis.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance because of the presence, in some portions, of cheese mites and contamination from their debris and burrowings, and, in other portions, of mites, beetles and beetle larvae. The boxes were marked with various weight, lot, and factory numbers. One portion was labeled in part: (Box) "State Brand Colored Chidders [or "Chetters"]."

On October 5, 1943, and April 13, 1944, the National Biscuit Company, claimant, having admitted the facts set forth in the libels, judgments of condemnation were entered and the product was ordered released under bond to be brought into compliance with the law by trimming off the unfit portions, under the supervision of the Food and Drug Administration.

**5673. Adulteration and misbranding of grated cheese. U. S. v. 10 Cases of Grated Cheese (and 4 other seizure actions against grated cheese). Default decrees of condemnation and destruction.** (F. D. C. Nos. 10817, 12053 to 12055, incl., 12112. Sample Nos. 20708-F, 51183-F, 51184-F, 76121-F, 79219-F.)

Examination showed that this product contained rodent hair fragments and that one lot, 10 cases, also contained other hair fragments and insect fragments. Examination showed further that the article contained from 15 to 40 percent of added dried skim milk powder.

Between September 23, 1943, and April 1, 1944, the United States attorneys for the Districts of Massachusetts and Connecticut, the Eastern District of Pennsylvania, and the District of Columbia filed libels against 10 cases, each containing 12 jars, of grated cheese at Lynn, Mass., 6½ cases, each containing 12 dozen canisters, of grated cheese at West Haven, Conn., 44 containers and 115 dozen canisters of grated cheese at Philadelphia, Pa., and 30 boxes, each containing 12 canisters, of grated cheese at Washington, D. C., alleging that the article, which had been consigned within the period from on or about August 18, 1943, to February 16, 1944, had been shipped by Wm. Faehndrich, Inc., New York, N. Y.; and charging that it was adulterated and misbranded. It was labeled in part: (Jar) "Famosa Brand Pure Argentina Parmesan Grated Cheese," or (canisters) "Famous Brand \* \* \* Grated Made of Imported and Domestic Cheese."

The product was alleged to be adulterated in that it consisted in whole or in part of a filthy substance; in that dried skim milk had been added to or mixed or packed therewith so as to reduce its quality or strength; and in that substances containing varying amounts of added dried skim milk had been substituted for the article. The lots at Lynn, West Haven, and Washington were alleged to be adulterated further in that they had been prepared and packed under insanitary conditions whereby they might have become contaminated with filth.

All lots were alleged to be misbranded in that the following statements in their respective labelings were false and misleading: (Lynn) "Pure Parmesan Grated Cheese"; (West Haven) "Grated Cheese," and "15% added Milk Solids"; (Philadelphia, 44 containers) "Grated Cheese"; (Philadelphia, 115 dozen canisters) "Grated Cheese," "15% Added Milk Solids," or "An All Cheese Product"; and (Washington) "Grated \* \* \* Cheese \* \* \* An All Cheese Product," or "Grated Cheese \* \* \* 15% added Milk Solids." Misbranding was alleged further with respect to the lots at Lynn and Washington and the lot of 115 dozen canisters at Philadelphia in that they were fabricated from two or more ingredients and their labels failed to bear the common or usual name of each such ingredient.

Between November 22, 1943, and May 12, 1944, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**5674. Misbranding of Limburger cheese. U. S. v. 5 Cases of Limburger Cheese. Default decree of condemnation. Product ordered sold. (F. D. C. No. 11185. Sample No. 62488-F.)**

The labels of this product failed to bear a statement of the quantity of the contents.

On November 24, 1943, the United States attorney for the Eastern District of Missouri filed a libel against 5 cases, each containing about 60 packages, of Limburger cheese at St. Louis, Mo., alleging that the article had been shipped in interstate commerce by the Arn & Zweifel Co. from Monticello, Wis., on or about November 1, 1943; and charging that it was misbranded in that it was a food in package form and failed to bear a label containing an accurate statement of the quantity of the contents. The article was labeled in part: (Wrapper on individual cheese) "Empire Brand Limburger Cheese The Very Best A. C. L. Haase Co. St. Louis, Mo. Distributors."

On December 23, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered sold to the person or corporation who offered the highest bid therefor and would adopt such safeguards as might be directed by the Federal Security Agency against the use of the product in violation of the law.

#### MILK

**5675. Adulteration of evaporated milk. U. S. v. 1,250 Cases of Evaporated Milk. Consent decree of condemnation. Product ordered released under bond for segregation and destruction or denaturing of unfit portion. (F. D. C. No. 10443. Sample No. 44323-F.)**

On August 23, 1943, the United States attorney for the District of New Jersey filed a libel against 1,250 cases, each containing 48 cans, of evaporated milk at Weehawken, N. J., alleging that the article had been shipped on or about June 4, 1943, from Lockport, N. Y., by FSOC—Lerch Coop. Cold Storage; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Borden's Irradiated Evaporated Milk \* \* \* The Borden Company New York, N. Y."

On January 29, 1944, the New York Central Railroad Company, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation and destruction or denaturing of the unfit portion.

**5676. Adulteration of whole milk powder. U. S. v. 6 Barrels of Dried Whole Milk Powder. Default decree of condemnation and destruction. (F. D. C. No. 11082. Sample No. 56415-F.)**

This product had been stored under insanitary conditions after shipment in interstate commerce. The barrels had been attacked by rats and rat excreta was found on and around the barrels.

On November 9, 1943, the United States attorney for the Southern District of New York filed a libel against 6 barrels of dried whole milk powder at Port Chester, N. Y., alleging that the article, which was in the possession of the Brick Oven Bake Shop, had been shipped on or about August 7, 1943, from Thorp, Wis.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance because of the presence of rodent hairs, rodent excreta, and insect fragments, and in that the article had been held under insanitary conditions whereby it might have become contaminated with filth.

On November 23, 1944, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. On January 5, 1944, an amended decree was entered providing for delivery of the product to a Federal institution for use as feed for hogs.