

5852. Adulteration of butter. U. S. v. 15 Cartons of Butter. Consent decree of condemnation. Product ordered released under bond for reworking. (F. D. C. No. 11475. Sample No. 8633-F, 57467-F.)

LIBEL FILED: On or about December 15, 1943, Southern District of New York.

ALLEGED SHIPMENT: On or about November 25, 1943, by the Equity Union Creamery, Minot, N. Dak.

PRODUCT: 15 cartons, each containing approximately 66 pounds, of butter at New York, N. Y.

LABEL, IN PART: "Creamery Butter Distributed by J. J. Mullins & Co."

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: December 30, 1943. J. J. Mullins & Co., New York, N. Y., appeared as claimant and admitted the allegations of the libel. Judgment of condemnation was entered, and the product was ordered released under bond for reworking under the supervision of the Food and Drug Administration.

5853. Adulteration of butter. U. S. v. 117 Cartons of Butter. Consent decree of condemnation. Product ordered released under bond for reworking. (F. D. C. No. 11476. Sample No. 56420-F, 57465-F.)

LIBEL FILED: On or about December 15, 1943, Southern District of New York.

ALLEGED SHIPMENT: On or about November 28, 1943, by the Exira Creamery Co., Exira, Iowa.

PRODUCT: 117 cartons of butter, each containing approximately 65 pounds, at New York, N. Y.

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: December 27, 1943. J. R. Kramer, Inc., New York, N. Y., appeared as claimant and admitted the allegations of the libel. A consent decree of condemnation was entered and the product was ordered released under bond for reworking under the supervision of the Food and Drug Administration.

5854. Adulteration of butter. U. S. v. 25 Cartons of Butter. Decree of condemnation and forfeiture. Product released under bond for reworking. (F. D. C. No. 12204. Sample No. 40005-F, 76530-F.)

LIBEL FILED: March 28, 1944, Southern District of New York.

ALLEGED SHIPMENT: March 13, 1944, by the Red Lake Falls Creamery Co., Red Lake Falls, Minn.

PRODUCT: 25 cartons, each containing approximately 61 pounds, of butter at New York, N. Y.

LABEL, IN PART: "Distributed By Mersel & Co."

VIOLATION CHARGED: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: April 13, 1944. The Red Lake Falls Creamery appeared as claimant and admitted the allegation of the libel. Judgment of condemnation was entered and the product was ordered released under bond for reworking under the supervision of the Food and Drug Administration.

5855. Adulteration and misbranding of butter. U. S. v. Mountain State Creamery Co. Plea of guilty. Fine, \$31. (F. D. C. No. 10586. Sample Nos. 14332-F, 14846-F, 14948-F, 15156-F, 15157-F, 39423-F.)

INFORMATION FILED: On or about November 19, 1943, District of Utah, against the Mountain State Creamery Co., a corporation, Salt Lake City, Utah.

ALLEGED SHIPMENT: From on or about December 28, 1942, to June 5, 1943, from the State of Utah into the State of California.

LABEL, IN PART: "Young's Special Butter * * * Put up for Young's Market Co.," or "One Pound Net Mountain View * * * Distributed by Mountain View Dairies, Inc. Long Beach, Los Angeles, Calif."

VIOLATIONS CHARGED: Adulteration (5 shipments), Section 402 (a) (1), in that a valuable constituent, milk fat, had been in part omitted from the article; and, Section 402 (a) (2), in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

Misbranding (2 shipments), Section 403 (a), in that the statement "One Pound Net," borne on the cartons, was false and misleading since each of the cartons did not contain 1 pound net of butter but contained a smaller

amount; and, Section 403 (e) (2), in that it was in package form and did not bear a label containing an accurate statement of the quantity of the contents in terms of weight.

DISPOSITION: December 10, 1943. Plea of guilty entered; fine of \$25 on the first count and \$1 on each of the other 5 counts, a total of \$31.

5856. Misbranding of butter. U. S. v. 508 Boxes of Butter. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 11267. Sample No. 58518-F.)

LIBEL FILED: November 15, 1943, District of Maryland.

ALLEGED SHIPMENT: On or about November 1, 1943, by the Community Creamery Co., Chicago, Ill.

PRODUCT: 508 boxes, each containing 24 1-pound cartons of ¼-pound prints, of butter at Baltimore, Md.

LABEL, IN PART: "1 Lb. Net Wt. Sunnyfield Creamery Butter. The Great Atlantic & Pacific Tea Company, New York, N. Y., Distributors."

VIOLATION CHARGED: Misbranding, Section 403 (a) (e), the units did not contain "1 Lb. Net" as labeled.

DISPOSITION: November 16, 1943. The Great Atlantic and Pacific Tea Company appeared as claimant, averring that the Community Creamery Co. was the owner of the product, and on its own behalf and on behalf of the owner admitted the allegations of the libel and consented to the entry of a decree. Judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration. It was reprinted to the declared weight.

CHEESE

5857. Adulteration of cheese. U. S. v. 3,309 Boxes of Cheddar Cheese. Consent decree of condemnation. Product ordered released under bond for trimming. (F. D. C. No. 10869. Sample Nos. 38648-F, 38650-F, 38654-F, 38655-F, 38658-F, 38659-F, 38661-F.)

LIBEL FILED: October 11, 1943, Northern District of Illinois.

ALLEGED SHIPMENT: From on or about July 7 to August 31, 1942, by Armour & Co., from Marshfield, Wis.

PRODUCT: 3,309 75-pound boxes of Cheddar cheese at Chicago, Ill.

LABEL, IN PART: "Wisconsin State Branch Colored Cheddars," or similar labeling.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of mites, beetles, and beetle larvae.

DISPOSITION: January 19, 1944. The National Biscuit Co., claimant, having admitted the facts set forth in the libel, judgment or condemnation was entered. The product was ordered released under bond for trimming, under the supervision of the Food and Drug Administration.

5858. Adulteration of cheese. U. S. v. 392 Boxes of Cheddar Cheese. Consent decree of condemnation. Product ordered released under bond for trimming. (F. D. C. No. 10870. Sample Nos. 38537-F to 38542-F, incl.)

LIBEL FILED: October 7, 1943, Northern District of Illinois.

ALLEGED SHIPMENT: On or about June 25, 1942, by the Pauly & Pauly Cheese Co., Edgar, Wis.

PRODUCT: 392 78-pound boxes of Cheddar cheese at Chicago, Ill.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of mites.

DISPOSITION: December 24, 1943. The claimant, the National Biscuit Co., admitted the allegations of the libel. Judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law by trimming, under the supervision of the Food and Drug Administration.

5859. Adulteration of cheese. U. S. v. 1,056 Cheeses (and 6 other seizure actions against cheese). Consent decree of condemnation. Product released under bond for salvaging. (F. D. C. Nos. 12195, 12196, 12244. Sample Nos. 39189-F, 39190-F, 39195-F to 39199-F, incl.)

LIBELS FILED: April 17 and May 3, 1944, Northern District of Illinois.