

ALLEGED SHIPMENT: On or about November 23, 1945, by A. Fantis and Co., from New York, N. Y.

PRODUCT: 25 125-pound kegs of cheese at Boston, Mass.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hairs and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 22, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a rendering plant for the recovery of the fat.

9292. Adulteration of cheese. U. S. v. 85 Kegs of Feta Type Cheese. Default decree of condemnation and destruction. (F. D. C. No. 18886. Sample No. 47317-H.)

LIBEL FILED: January 31, 1946, District of Colorado.

ALLEGED SHIPMENT: On or about December 12, 1945, by the Merchants Cold Storage Co., from Chicago, Ill.

PRODUCT: 85 125-pound kegs of cheese at Trinidad, Colo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a putrid substance.

DISPOSITION: March 20, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

MISCELLANEOUS DAIRY PRODUCTS*

9293. Adulteration of ice cream. U. S. v. The Borden Co., William A. Smith, and Elmer Brown. Pleas of not guilty. Tried to the court. Verdict of guilty. Fines, \$350, \$75, and \$75, respectively. (F. D. C. No. 18588. Sample Nos. 25915-H, 25916-H, 25918-H.)

INFORMATION FILED: January 2, 1946, Western District of Texas, against the Borden Co., a corporation, El Paso, Tex., and William A. Smith, plant manager, and Elmer Brown, superintendent of the ice cream department.

ALLEGED SHIPMENT: On or about September 10 and 11, 1945, from the State of Texas into the State of New Mexico.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of fly and cockroach fragments, fragments similar to fly and cockroach fragments, cockroach excreta, rodent hairs, feather barbules, and insect fragments; and, Section 402 (a) (4), it had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: February 1, 1946. The defendants having entered pleas of nolo contendere, the court directed that pleas of not guilty be entered for each defendant. Jury trial was waived and the case came on for hearing before the court. After consideration of the evidence and arguments of counsel, the court found the defendants guilty as charged and imposed fines of \$350 upon the corporate defendant and \$75 upon each of the individual defendants.

9294. Adulteration of dairy products. U. S. v. The Frink Creamery Co. Plea of nolo contendere. Fine, \$750. (F. D. C. No. 18599. Sample Nos. 26753-H to 26757-H, incl.)

INFORMATION FILED: January 28, 1946, District of Colorado, against the Frink Creamery Co., a corporation, Sanford and Fort Collins, Colo.

ALLEGED SHIPMENT: On or about July 27 and August 8, 1945, from the State of Colorado into the States of New Mexico, Texas, and Wyoming.

Examination showed that the cream contained a whole insect, an insect part, fibers, metallic particles, carbonaceous matter, and nondescript dirt; that the cottage cheese contained nondescript dirt; that the fluid milk contained a feather barbule, plant fibers, and nondescript dirt; and that the condensed skim milk contained an insect fragment, hair similar to rodent hair, feather barbules, and carbonaceous material.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances; and, Section 402 (a) (4), they had

*See also No. 9284.

been prepared, packed, and held under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: January 31, 1946. A plea of nolo contendere having been entered on behalf of the defendant, a fine of \$750 was imposed.

9295. Misbranding of oleomargarine. U. S. v. Armour and Co. Plea of nolo contendere. Fine, \$250 on count 1; imposition of sentence suspended on count 2. (F. D. C. No. 18587. Sample Nos. 31174-H, 32226-H.)

INFORMATION FILED: February 11, 1946, Southern District of California, against Armour and Co., a corporation, Los Angeles, Calif.

ALLEGED SHIPMENT: On or about July 27 and September 8, 1945, from the State of California into the State of Arizona.

LABEL, IN PART: "Mayflower Vegetable Oleomargarine * * * Vegetable Fats 80.50%."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Vegetable Fats 80.50%" was false and misleading in that it represented that the article contained 80.50 percent of vegetable fats, whereas it contained a lesser amount; and, Section 403 (g) (1), the article failed to conform to the definition and standard of identity prescribed by the regulations for oleomargarine since it contained less than the required 80 percent of fat.

DISPOSITION: March 18, 1946. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$250 on count 1 and suspended imposition of sentence for 2 years on count 2, conditioned that the defendant does not again, during that period, violate the Federal Food, Drug, and Cosmetic Act.

EGGS

9296. Adulteration of frozen whole eggs. U. S. v. Burdett J. Holmes (B. J. Holmes Sales Co.). Plea of nolo contendere. Fine, \$1,500. (F. D. C. No. 17835. Sample Nos. 61865-F, 61866-F, 96816-F.)

INFORMATION FILED: March 27, 1946, Northern District of California, against Burdett J. Holmes, trading as the B. J. Holmes Sales Co., San Francisco, Calif.

ALLEGED SHIPMENT: Between the approximate dates of November 24 and December 8, 1944, from the State of California into the State of Texas.

LABEL, IN PART: "Holmestead Brand Frozen Whole Eggs."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: April 23, 1946. A plea of nolo contendere having been entered, the defendant was fined \$1,500.

9297. Adulteration of frozen whole eggs. U. S. v. Independent Food Products Co., Inc. Plea of guilty. Fine, \$400. (F. D. C. No. 16554. Sample Nos. 44348-F, 5803-H.)

INFORMATION FILED: September 28, 1945, District of New Jersey, against the Independent Food Products Co., Inc., Newark, N. J.

ALLEGED SHIPMENT: On or about October 10, 1944, and January 11, 1945, from the State of New Jersey into the State of New York.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed eggs.

DISPOSITION: December 14, 1945. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$200 on each of the 2 counts.

9298. Adulteration of frozen whole eggs. U. S. v. Edward Aaron Co. Plea of guilty. Fine, \$100 and costs. (F. D. C. No. 16528. Sample No. 66986-F.)

LIBEL FILED: August 23, 1945, District of Kansas, against the Edward Aaron Co., a partnership, Fort Scott, Kans.

ALLEGED SHIPMENT: On or about September 7, 1944, from the State of Kansas into the State of Missouri.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: October 1, 1945. A plea of guilty having been entered, the defendant was fined \$100, plus costs.