

PRAYER OF COMPLAINT: That process issue and, after hearing, a preliminary injunction issue, restraining the defendant from shipping in interstate commerce adulterated food which he had manufactured or would manufacture in the future; and that, after due proceedings, the preliminary injunction be made permanent.

DISPOSITION: The defendant was ordered to show cause why a preliminary injunction should not issue as prayed. On December 21, 1945, the defendant having consented, a preliminary injunction was issued. On March 6, 1946, the case having come on for hearing, and evidence having been introduced on behalf of the Government and the defendant, counsel for the defendant announced that no objection would be made to the granting of a permanent injunction. Judgment was thereupon entered, permanently enjoining the defendant and all acting on his behalf from the commission of the acts complained of.

9721. Adulteration and misbranding of grated cheese. U. S. v. Wm. Faehndrich, Inc., and Rudolph H. Faehndrich. Pleas of guilty. Fine, \$750 against corporate defendant. Suspension of imposition of sentence against individual defendant. (F. D. C. No. 12607. Sample No. 35253-F.)

INFORMATION FILED: August 29, 1945, Southern District of New York, against Wm. Faehndrich, Inc., New York, N. Y., and Rudolph W. Faehndrich, president of the corporation.

ALLEGED SHIPMENT: February 20, 1944, from the State of New York into the State of Florida.

PRODUCT: This product was packed under two different labels. One label represented it to be an all cheese product; the other, a mixture of cheese with 15 percent added milk solids. Examination of samples showed that both lots contained approximately 35 percent of dried skim milk, and that they contained filth.

LABEL, IN PART: "Famous Brand * * * Grated * * * Cheese."

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 rodent hair fragments, a rodent excreta pellet fragment, a human hair fragment, and a cow hair fragment; Section 402 (a) (4), it had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth; Section 402 (b) (2), (portion) a substance consisting of grated cheese and added dried skim milk had been substituted in whole or in part for grated cheese, and (remainder) a mixture of about 65 percent of grated cheese and about 35 percent of added dried skim milk had been substituted for a mixture of 85 percent of grated cheese and 15 percent of added milk solids; and, Section 402 (b) (4), (portion labeled "An All Cheese Product") dried skim milk had been added to the article and mixed and packed with it so as to reduce its quality.

Misbranding, Section 403, (a), (portion) the statements on the labels, "Grated Cheese" and "An All Cheese Product," and (remainder) "Grated Cheese" and "15% Added Milk Solids," were false and misleading; Section 403 (b), the article was offered for sale under the name of another food; and, Section 403 (i) (2), its labels did not bear the common or usual name of one of its ingredients, i. e., dried skim milk.

DISPOSITION: November 1, 1945. Pleas of guilty having been entered on behalf of both defendants, the court imposed a fine of \$250 on each of the 3 counts against the corporate defendant. Imposition of sentence against the individual defendant was suspended, and he was placed on probation for a period of 1 day.

9722. Adulteration of cheese spread. U. S. v. Spring Green Creamery and Cheese Industry, Inc. Plea of guilty. Fine, \$800. (F. D. C. No. 16575. Sample Nos. 78967-H, 97709-F to 97711-F, incl.)

INFORMATION FILED: October 25, 1945, Western District of Wisconsin, against Spring Green Creamery and Cheese Industry, Inc., Spring Green, Wis.

ALLEGED SHIPMENT: On or about November 3, 10, and 28, 1944, from the State of Wisconsin into the States of Illinois and Minnesota.

LABEL, IN PART: "Prins Hendrix Cheese Spread."

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 rodent hair fragments, insect parts and fragments, mites, cat hairs, hairs resembling rodent hairs, feather barbules, insect eggs, manure fragments, and a paint fragment.

DISPOSITION: December 4, 1945. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$200 on each count, a total fine of \$800.

9723. Adulteration of Cheddar cheese. U. S. v. 14 Cheeses. Default decree of condemnation. Product ordered delivered to a local hospital. (F. D. C. No. 16394. Sample Nos. 24436-H, 24439-H.)

LIBEL FILED: On or about June 11, 1945, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about May 2, 1945, by Wilson & Co., from Macon, Miss.

PRODUCT: 14 20-pound Cheddar cheeses at New Orleans, La. Analysis showed that the product failed to meet the standard of identity for Cheddar cheese, since its solids contained less than 50 percent of milk fat.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), an article deficient in milk fat had been substituted in whole or in part for Cheddar cheese.

DISPOSITION: August 29, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a local hospital.

9724. Adulteration of Cheddar cheese. U. S. v. 28,090 Pounds of Cheddar Cheese. Default decree of condemnation and destruction. (F. D. C. No. 17059. Sample Nos. 43416-H, 43417-H.)

LIBEL FILED: September 21, 1945, Southern District of California.

ALLEGED SHIPMENT: On or about August 18 and 25, 1945, by the Fremont County Dairymen's Cooperative Marketing Association, from Hudson, Wyo.

PRODUCT: 28,090 pounds of Cheddar cheese at Los Angeles, Calif.

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 maggots, insect fragments, and dirt.

DISPOSITION: October 23, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

9725. Adulteration of cheese curd. U. S. v. 9 Barrels of Cheese Curd. Default decree of condemnation and destruction. (F. D. C. No. 16991. Sample No. 30558-H.)

LIBEL FILED: August 4, 1945, Southern District of California.

ALLEGED SHIPMENT: On or about July 20 and 21, 1945, by the Central Avenue Dairy, from Phoenix, Ariz.

PRODUCT: 9 unlabeled barrels, each containing from 300 to 400 pounds, of cheese curd at Los Angeles, Calif.

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 maggots and insect fragments.

DISPOSITION: October 9, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

9726. Adulteration of curd cheese. U. S. v. 620 Boxes of Washed Curd Cheese. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 17072. Sample No. 5763-H.)

LIBEL FILED: July 28, 1945, Southern District of New York.

ALLEGED SHIPMENT: On or about July 2, 1945, by the Middle States Cheese and Butter Manufacturing Co., from Shelbyville, Ill.

PRODUCT: 620 73-pound boxes of washed curd cheese at New York, N. Y.

LABEL, IN PART: "Illinois Washed Curd Cheese."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of decomposed and moldy cheese.

DISPOSITION: December 5, 1945. The Hygrade Food Products Corporation, claimant, having admitted the allegation of the libel, judgment of condemnation was entered and the product was ordered released under bond for the