

DAIRY PRODUCTS

BUTTER

10397. Action to enjoin and restrain the interstate shipment of adulterated and misbranded butter. U. S. v. Potomac Creamery Co., Inc., and William G. McKay. Injunction granted. (Inj. No. 156.)

COMPLAINT FILED: November 19, 1946, District of Maryland, against the Potomac Creamery Co., Inc., of Hagerstown, Md., and William G. McKay, president of the corporation. The complaint alleged that since August 20, 1943, the defendants had been and were manufacturing butter under insanitary conditions whereby it had become, and was being, contaminated with filth; that the butter so manufactured was adulterated in violation of Section 402 (a) (3) and (4) in that it consisted in whole or in part of a filthy and decomposed substance, and had been prepared, packed, and held under insanitary conditions whereby it became, and was becoming, contaminated with filth. The complaint alleged further that the defendants were causing introduction and delivery for introduction into interstate commerce, butter which was misbranded in violation of Section 403 (e) (2) in that it failed to bear a label containing an accurate statement of the quantity of the contents. Investigation of interstate shipments and inspections of the creamery showed, among other conditions, the existence of the following: The defendants were accepting and using a material amount of decomposed cream in the manufacture of butter; butter produced, wrapped, and awaiting distribution at the plant was short-weight; shipments of butter made by the defendants were found to have been made from decomposed cream and to contain filth; the creamery was located in an old building which had unscreened doors and windows; flies and roaches had access to the plant; and the building was rat-infested, as evidenced by large numbers of rat pellets.

PRAYER OF COMPLAINT: That an injunction issue enjoining and restraining the defendants from commission of the acts complained of.

DISPOSITION: January 9, 1947. The defendants having consented to the entry of a decree, an injunction was issued restraining the defendants from introducing or delivering for introduction into interstate commerce adulterated and misbranded dairy products which the defendants had manufactured or would manufacture in the future.

10398. Adulteration of butter. U. S. v. 16 Cartons (1,040 pounds) * * *
(F. D. C. No. 21923. Sample No. 51771-H.)

LIBEL FILED: October 25, 1946, District of Massachusetts.

ALLEGED SHIPMENT: October 8, 1946, by Edgerton Cooperative Creamery Co., from Edgerton, Minn.

PRODUCT: 16 65-pound cartons of butter at Somerville, Mass.

LABEL, IN PART: "First National Stores Somerville, Mass."

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

DISPOSITION: December 12, 1946. The Pipestone Produce Co., Somerville, Mass., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be reworked under the supervision of the Federal Security Agency.

10399. Adulteration of butter. U. S. v. 12 Cartons (600 pounds) * * *
(F. D. C. No. 22125. Sample No. 51782-H.)

LIBEL FILED: November 12, 1946, Northern District of Illinois.

ALLEGED SHIPMENT: On or about October 23, 1946, by Turtle Lake Creamery, from Minot, N. Dak.

PRODUCT: 12 50-pound cartons of butter at Chicago, Ill.

LABEL, IN PART: (Wrapper) "Meadow Gold Butter Distributed by Beatrice Creamery Company General Office Chicago, Ill."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), an article containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: December 12, 1946. Walter Englund and Herbert Englund, claimants, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be reworked under the supervision of the Food and Drug Administration.

CHEESE

10400. Action to restrain the interstate shipment of adulterated cheese. U. S. v. Louis Alleman and Dorothy Radtke (Supreme Dairy Products Co.). Injunction granted. Defendants subsequently charged with violation of the injunction. Pleas of guilty entered. Fine of \$500 and costs against each defendant. (Inj. No. 127.)

COMPLAINT FILED: January 24, 1946, Northern District of Illinois, against Louis Alleman and Dorothy Radtke, copartners, trading as the Supreme Dairy Products Co., at Oglesby, Ill., with branch offices at Toluca, Tiskilwa, Washburn, Neoga, and Charleston, Ill. The complaint alleged that the defendants had been shipping in interstate commerce for the past several years, quantities of cheese which was adulterated, and that they were continuing to make these shipments.

NATURE OF CHARGE: Adulteration, Section 402(a) (3), the article consisted in whole or in part of a filthy, putrid, or decomposed substance in that it contained insect fragments, whole insects, hairs resembling those of rodents, cows, and cats, rodent excreta, mites, larvae, materials resembling animal feed and manure, metallic and wood fragments, vegetable fibers, and nondescript dirt; and, Section 402 (a) (4), it had been, and was being, prepared, packed, and held under insanitary conditions whereby it had been, and was being, contaminated with filth, in that the defendants' plants were infested with rodents and insects, and in that the article was manufactured and processed in part from milk containing a high concentration of filth.

PRAYER OF COMPLAINT: That a preliminary injunction issue, restraining the defendants from commission of the acts complained of; and that, after due proceedings, the preliminary injunction be made permanent.

DISPOSITION: The defendants having consented to the entry of a decree, the court, on February 8, 1946, entered a decree enjoining the defendants from causing the introduction and delivery for introduction into interstate commerce, cheese which was adulterated under Sections 402 (a) (3) and (4). On October 14, 1946, an information was filed, charging the defendants with criminal contempt for violation of the injunction by reason of the shipment on or about June 22 and 27, 1946, from Macomb and Toluca, Ill., to Curwensville, Pa., a quantity of cheese which consisted in whole or in part of a filthy substance and which had been prepared and packed under insanitary conditions. On January 14, 1947, a plea of guilty having been entered on behalf of the defendants, the court imposed a fine of \$500 and costs against each defendant.

10401. Adulteration of cheese. U. S. v. John Gurtner (Bestlerton Cheese Factory). Plea of nolo contendere. Fine, \$250. (F. D. C. No. 21494. Sample No. 51221-H.)

INFORMATION FILED: December 16, 1946, Western District of Wisconsin, against John Gurtner, trading as the Bestlerton Cheese Factory, Cumberland, Wis.

ALLEGED SHIPMENT: On or about May 3, 1946, from the State of Wisconsin into the State of Minnesota.

LABEL, IN PART: "Cave Au Banquette Blue-Cheese."

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

DISPOSITION: December 23, 1946. The defendant having entered a plea of nolo contendere, the court imposed a fine of \$250.

10402. Adulteration of cheese. U. S. v. Blue Moon Foods, Inc. Plea of nolo contendere. Fine, \$3,000. (F. D. C. No. 21533. Sample Nos. 43496-H, 57316-H, 63751-H.)

INFORMATION FILED: January 13, 1947, Western District of Wisconsin, against Blue Moon Foods, Inc., a corporation, Thorp, Wis.