

**LABEL, IN PART:** "Giant Provolone."

**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-gnawed cheese and rodent excreta.

**DISPOSITION:** April 22, 1946. Cumberland Dairy Products, Inc., Brooklyn, N. Y., claimant, having 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 removal of the unfit portion, which was to be destroyed or denatured under the supervision of the Food and Drug Administration.

#### MISCELLANEOUS DAIRY PRODUCTS

**10981. Adulteration of cream. U. S. v. 33 1-Gallon Cans \* \* \*** (F. D. C. Nos. 16727, 16729, 18433, 18435, 18436, 19988. Sample Nos. 26599-H, 26600-H, 26875-H to 26877-H, incl., 47854-H.)

**LIBELS FILED:** June 8 and 11, September 27, and November 5, 1945, and May 2, 1946, District of Colorado.

**ALLEGED SHIPMENT:** On or about June 5 and 6 and September 19 and 22, 1945, and April 22, 1946, by the Armour Creameries, Inc., from Superior, Nebr., the Mid-State Creamery, from Hastings, Nebr., the Calder Creamery Co., from Vernal, Utah, and the Judevine Creamery, from Douglas, Wyo.

**PRODUCT:** 33 10-gallon cans of cream at Denver, Colo.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of filthy, decomposed, or putrid animal substances.

**DISPOSITION:** June 8 and 12, October 2, and November 5, 1945, and May 2, 1946. The consignees having consented to the immediate destruction of the cream, judgments were entered ordering that the product be destroyed.

**10982. Misbranding of condensed buttermilk. U. S. v. 63 Barrels \* \* \*** (F. D. C. No. 19214. Sample No. 5243-H.)

**LIBEL FILED:** February 14, 1946, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about December 14, 1945, by the Jersey Milk and Cream Co., from La Fargeville, N. Y.

**PRODUCT:** 63 barrels, each containing approximately 400 pounds, of condensed buttermilk at Leesport, Pa. This product contained not more than 0.19 percent of fat, which is less than condensed buttermilk should contain. It contained less fat, protein, lactic acid, and total solids than declared on the label.

**LABEL, IN PART:** "Lactó-Protein Condensed Buttermilk \* \* \* Protein 10.00% Fat 2% Lactic Acid 6.00% Total Solids 27.00%."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the designation "Condensed Buttermilk" and the statements "Protein 10.00% Fat 2% Lactic Acid 6.00% Total Solids 27.00%," borne on the label, were false and misleading.

**DISPOSITION:** March 6, 1946. The Jersey Milk and Cream Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

**10983. Misbranding of nonfat dry milk solids. U. S. v. 42 Barrels, etc.** (F. D. C. No. 19394. Sample No. 19547-H.)

**LIBEL FILED:** March 28, 1946, Northern District of Iowa.

**ALLEGED SHIPMENT:** On or about December 5, 1946, by the M. Fitzgerald and Son Dairy Products Co., from Grand Rapids, Minn.

**PRODUCT:** 42 barrels, each containing 170 pounds, and 8 barrels, each containing 225 pounds, of nonfat dry milk solids at Cedar Rapids, Iowa.

**LABEL, IN PART:** "Dried Skim Milk Powder Roller Process Manufactured By The Grand Rapids Creamery Company Grand Rapids, Minnesota."

**NATURE OF CHARGE:** Misbranding, Section 403 (g) (1), the product purported to be and was represented as nonfat dry milk solids, a food for which a definition and standard of identity has been prescribed by law, and it failed to conform to the definition and standard since it was not made from sweet milk of

cows as provided in the definition and standard, but was made from neutralized sour skim milk.

**DISPOSITION:** July 31, 1946. The Grand Rapids Creamery Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be converted into animal feed, under the supervision of the Food and Drug Administration.

### EGGS AND EGG PRODUCTS

**10984. Adulteration of frozen eggs. U. S. v. 1,040 Cans \* \* \*. (F. D. C. No. 18532. Sample No. 26332-H.)**

**LIBEL FILED:** December 6, 1945, Western District of Texas.

**ALLEGED SHIPMENT:** On or about September 25, 1945, by the Sunny State Distributing Co., from Albuquerque, N. Mex.

**PRODUCT:** 1,040 30-pound cans of frozen eggs at El Paso, Tex.

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

**DISPOSITION:** February 4, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**10985. Adulteration and misbranding of frozen eggs. U. S. v. 25 Cans \* \* \*. (F. D. C. No. 19439. Sample No. 8096-H.)**

**LIBEL FILED:** March 18, 1946, Southern District of New York.

**ALLEGED SHIPMENT:** On or about February 4, 1946, by L. Meyer and Co., Inc., from Jersey City, N. J.

**PRODUCT:** 25 30-pound cans of frozen eggs at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a mixture of frozen eggs, water, and yellow coal-tar color had been substituted in whole or in part for frozen eggs; Section 402 (b) (3), inferiority had been concealed by the addition of yellow coal-tar color; and, Section 402 (b) (4), water had been added to the article so as to increase its bulk or weight and reduce its quality or strength, and yellow coal-tar color had been added to the article and mixed and packed with it so as to make it appear better and of greater value than it was.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity prescribed by the regulations since it contained added water and yellow coal-tar color, which are not permitted ingredients of frozen eggs in the definition and standard.

**DISPOSITION:** April 3, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**10986. Adulteration of shell eggs. U. S. v. 50 Cases \* \* \*. (F. D. C. No. 18473. Sample No. 7384-H.)**

**LIBEL FILED:** November 30, 1945, Southern District of New York.

**ALLEGED SHIPMENT:** On or about November 8, 1945, by L. Meyer & Co., Inc., from Jersey City, N. J.

**PRODUCT:** 50 cases each containing 30 dozen shell eggs at New York, N. Y.

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

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

**10987. Adulteration of frozen whole eggs. U. S. v. 136 Cans \* \* \*. (F. D. C. No. 18464. Sample No. 8129-H.)**

**LIBEL FILED:** November 27, 1945, Southern District of New York.

**ALLEGED SHIPMENT:** On or about November 14, 1945, by Albert and Gerber, from Jersey City, N. J.

**PRODUCT:** 136 30-pound cans of frozen whole eggs at New York, N. Y.

**LABEL, IN PART:** (Portion) "Whole Eggs \* \* \* Carl Ahlers Incorporated \* \* \* New York"; (remainder) "Albert & Gerber New York, N. Y. Whole Eggs."