

Misbranding, Section 403 (a), the label designations "Cheese" and "Italian Style Grated Cheese" were false and misleading as applied to an article containing a milk product other than cheese; and, Section 403 (1) (2), the label of the article failed to bear the common or usual name of each of the ingredients.

DISPOSITION: September 26, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

#### MISCELLANEOUS DAIRY PRODUCTS

**11187. Adulteration of ice cream. U. S. v. Creameries of America, Inc. (Arden-Sunfreze Creameries). Plea of nolo contendere. Fine, \$100.** (F. D. C. No. 20166. Sample Nos. 25457-H, 25458-H.)

INFORMATION FILED: August 30, 1946, District of Utah, against Creameries of America, Inc., trading as Arden-Sunfreze Creameries, Ogden, Utah.

ALLEGED SHIPMENT: On or about August 11, 1945, from the State of Utah into the State of Wyoming.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect parts, threads, carbon, a feather barbule, a fly, and plant fiber; and, Section 402 (a) (4), it had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: September 9, 1946. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$100.

**11188. Adulteration of condensed milk. U. S. v. 2 Barrels \* \* \*. (F. D. C. No. 19819. Sample No. 51070-H.)**

LIBEL FILED: May 3, 1946, District of Minnesota.

ALLEGED SHIPMENT: On or about February 11, 1946, by the Momence Milk Co-operative Assoc., from Momence, Ill.

PRODUCT: 2 640-pound barrels of condensed milk at Minneapolis, Minn.

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

DISPOSITION: July 3, 1946. No claimant having appeared, judgment was entered ordering the product denatured for use as animal feed, under the supervision of the Food and Drug Administration; otherwise, the product was to be destroyed.

**11189. Adulteration and misbranding of evaporated milk. U. S. v. Fort Dodge Creamery Co. Plea of guilty. Fine, \$100 and costs.** (F. D. C. No. 20938. Sample Nos. 19437-H, 50905-H.)

INFORMATION FILED: October 24, 1946, Northern District of Iowa, against the Fort Dodge Creamery Co., Fort Dodge, Iowa.

ALLEGED SHIPMENT: On or about August 4 and December 15, 1945, from the State of Iowa into the State of Minnesota.

LABEL, IN PART: "Jack Sprat Brand Evaporated Milk \* \* \* Distributed By Jack Sprat Foods, Inc. Marshalltown, Iowa."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, vitamin D, had been in part omitted from the article. The article was represented to contain in each can not less than 325 U. S. P. units of vitamin D and in each fluid ounce not less than 25 U. S. P. units of vitamin D, whereas the article contained smaller amounts of vitamin D than represented.

Misbranding, Section 403 (a), the label statements "Contains not less than 325 U. S. P. Vitamin D Units" and "(25 Units per fld. oz.)" were false and misleading.

DISPOSITION: November 12, 1946. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$100, plus costs.

**11190. Misbranding of condensed buttermilk. U. S. v. 19 Barrels, etc. (F. D. C. No. 19816. Sample Nos. 34931-H, 34932-H.)**

LIBEL FILED: May 2, 1946, Southern District of Illinois.

ALLEGED SHIPMENT: On or about August 11 and October 26, 1945, and February 22, 1946, by the Merchants Creamery Co., from Cincinnati, Ohio, and Springfield, Mo.

PRODUCT: 19 400-pound barrels, 11 half barrels, and 19 100-pound drums of condensed buttermilk at Clinton, Ill.

LABEL, IN PART: "Blue Ribbon Special \* \* \* Crude Protein Not Less Than 7.5 Percent," or "Blue Ribbon Special Condensed Buttermilk \* \* \* Protein 10%."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statements "Crude Protein not Less Than 7.5 Percent" and "Protein 10 Percent" borne on various portions of the article were false and misleading as applied to the article, which contained less than the stated amounts of protein.

DISPOSITION: June 3, 1946. The DeWitt County Cooperative Grain Co., DeWitt, Ill., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Federal Security Agency.

**11191. Adulteration of rennet paste. U. S. v. 8 Drums \* \* \*. (F. D. C. No. 19778. Sample No. 15335-H.)**

LABEL FILED: May 2, 1945, Northern District of Illinois.

ALLEGED SHIPMENT: On or about March 12, 1946, by International Expeditors, Inc., from New York, N. Y.

PRODUCT: 8 100-kilogram drums of rennet paste at Chicago, Ill.

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, goat hair fragments, and insect fragments.

DISPOSITION: May 23, 1947. J. Spohr, as Industria Chimica Lugano, Lugano, Switzerland, and the Western Food Corp., Chicago, Ill., having appeared as claimants and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be brought into compliance with the law by exportation to Switzerland, under the supervision of the Food and Drug Administration.

**11192. Adulteration of rennet paste. U. S. v. 3 Drums \* \* \*. (F. D. C. No. 19857. Sample No. 53121-H.)**

LABEL FILED: May 10, 1946, Southern District of Ohio.

ALLEGED SHIPMENT: On or about February 28, 1946, by the Cudahy Packing Co., New York, N. Y.

PRODUCT: 3 300-pound drums of rennet paste at Washington Court House, Ohio.

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 insect parts and rodent hair fragments.

DISPOSITION: June 19, 1946. No claimant having appeared, judgment was entered ordering the product destroyed.

## EGGS

**11193. Adulteration of shell eggs. U. S. v. Goodrich & Shackelford, Inc. Plea of nolo contendere. Fine, \$75. (F. D. C. No. 20123. Sample Nos. 7302-H, 9378-H, 23322-H.)**

INFORMATION FILED: July 24, 1946, District of Minnesota, against Goodrich & Shackelford, Inc., a corporation, Le Roy, Minn.

ALLEGED SHIPMENT: On or about July 5, 10, and 16, 1945, from the State of Minnesota into the States of New Jersey, New York, and Missouri.

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

DISPOSITION: November 4, 1946. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$25 on each count, a total fine of \$75.

**11194. Adulteration of frozen whole eggs. U. S. v. Tyson Produce and Eugene S. Tyson, Jr. Pleas of nolo contendere. Fines, \$30 against each defendant. (F. D. C. No. 20188. Sample Nos. 7865-H, 7866-H.)**

INFORMATION FILED: October 7, 1946, Northern District of Iowa, against Tyson Produce, a partnership, Sioux City, Iowa, and Eugene S. Tyson, Jr., a partner.