

ALLEGED SHIPMENT: On or about June 1, 1946, by the Esmond Cooperative Creamery, from Esmond, N. Dak.

PRODUCT: 9 60-pound cartons of butter at New York, N. Y.

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: June 26, 1946. Harry Rappaport, New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reworking under the supervision of the Federal Security Agency.

11371. Misbranding of butter. U. S. v. Marvin Emmett Johnson (Clinton Butter Co.). Plea of guilty. Fine, \$150. (F. D. C. No. 20439. Sample Nos. 20874-H, 20875-H.)

INFORMATION FILED: July 3, 1946, Western District of Missouri, against Marvin Emmett Johnson, an individual, trading as the Clinton Butter Co., Clinton, Mo.

ALLEGED SHIPMENT: On or about February 12, 1946, from the State of Missouri into the State of Kansas.

LABEL, IN PART: "One Pound Net Armour's Cloverbloom Butter Armour Creameries—Distributors."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product was in package form and failed to bear a label containing an accurate statement of the quantity of the contents, since the net weight of the packages was less than one pound.

DISPOSITION: July 29, 1946. A plea of guilty having been entered, the defendant was fined \$150.

CHEESE

11372. Action to restrain the interstate shipment of adulterated cheese and cheese products. U. S. v. Cuba Cheese & Trading Co., Inc., et al. Permanent injunction granted. (Inj. No. 147.)

COMPLAINT FILED: August 15, 1946, Western District of New York, against the Cuba Cheese & Trading Co., Inc., Cuba, N. Y., Edwin S. Moses, Jr., president of the corporation, Isadore Van Zwanenberg, vice president and treasurer, and Francis Moses, secretary. The complaint alleged that since about the year 1943 the defendants had been engaged in the business of manufacturing, selling, and transporting in interstate commerce cheese and cheese products which were adulterated; and that in connection with the business the firm operated manufacturing plants at Sardinia, Centerville, Bliss, Friendship, Hallsport, Cuba, Warsaw, Fords Brook, Riceville, and Greenwood, N. Y., and Myrtle and Cranesville, Pa. The manufactured products were transported from these plants to the corporation's warehouses at Cuba, N. Y., to be prepared for shipment into interstate commerce. Inspections of the various plants and warehouses revealed the following insanitary conditions and practices, among others:

The Sardinia plant contained a large number of flies as a result of the lack of screening, and considerable rodent infestation was noted, as evidenced by the presence of rodent excreta pellets in the storage and curing room. The Myrtle plant had no real protection against flies, and the utensils in use were dirty and bore a heavy residue of curd and dried milk. The shelves used for storage of the cheese were slimy and dirty, and samples of the cheese were found to contain cat hairs, cow hairs, rodent hair fragments, insect fragments, feather fragments, and nondescript dirt. The Friendship plant was in a poor state of repair, with large openings in the walls. Samples of cheese from the plant were found to contain insect fragments and rodent hairs. The Centerville plant contained many flies, and there was evidence of rat and mouse activity. The plant was generally untidy, and cheese manufactured the week before was gnawed by mice. At the Bliss plant, avenues of rodent entry were found, and numerous rat excreta pellets were noted along the wall of the manufacturing room and near the cheese vat. At the Hallsport plant, cheeses on the curing shelves were found to be rodent-gnawed. At the Warsaw plant, a number of rat excreta pellets and three rodent-gnawed cheeses were found in the curing room. The Fords Brook plant had a whey tank which leaked, and at the rear of the factory there was a mire of putrid sewage. The well used as a source of water supply at the Riceville plant was of questionable sanitary quality, and the outside toilet was not flyproof. The Greenwood plant was

infested with mice and insects. The Cranesville plant was in a dirty and messy condition, and several recently made cheeses were rodent-gnawed. The manufacturing rooms were used also by the cheesemaker as his living quarters. The exterior insanitary conditions included an open outside toilet, and a pig sty which was located nearby; and spring water probably polluted from the toilet and pig sty was being used. Many other insanitary conditions were noted, including the acceptance and use of milk that was unfit for food purposes. The corporation's warehouses at Cuba, N. Y., were infested with rats, with definite contamination and spoilage of the products in certain instances.

PRAYER OF COMPLAINT: That the defendants be restrained from shipping adulterated cheese and cheese products in interstate commerce.

DISPOSITION: September 19, 1946. The defendants having failed to answer or otherwise plead to the complaint, judgment was entered ordering that the defendants be perpetually enjoined from shipping adulterated cheese and cheese products in interstate commerce.

11373. Adulteration of Cheddar cheese. U. S. v. Lake Como Co-operative Cheese Co. Plea of guilty. Fine, \$700. (F. D. C. No. 20436. Sample No. 19623-H.)

INFORMATION FILED: August 9, 1946, District of Minnesota, against the Lake Como Co-operative Cheese Co., a corporation, Hokah, Minn.

ALLEGED SHIPMENT: On or about November 29, 1945, from the State of Minnesota into the State of Wisconsin.

LABEL, IN PART: "Minnesota Colored Twins."

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 insect fragments, rodent hairs, and manure; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: February 7, 1947. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$700.

11374. Adulteration of cheese. U. S. v. 425 Pounds * * * (and 2 other seizure actions). (F. D. C. Nos. 20688, 20689, 21089, 21204. Sample Nos. 182-H, 38590-H, 38591-H, 64327-H.)

LIBELS FILED: September 5 and 30 and October 2, 1946, Northern District of Illinois, Southern District of New York, and Southern District of Florida.

ALLEGED SHIPMENT: Between the approximate dates of July 2 and August 17, 1946, by the Rocky Mountain Cheese Mfg. Co., from Trinidad, Colo.

PRODUCT: Cheese. 425 pounds at Chicago, Ill., 600 pounds at New York, N. Y., and 72 pounds at Tampa, Fla. Examination showed that the Chicago lot contained maggots, that the New York lot contained flies, maggots, and rodent excreta, and that the Tampa lot was moldy.

LABEL, IN PART: "Mizethra," or "Feta Cheese."

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

DISPOSITION: October 25 and 29, 1946, and January 24, 1947. No claimant having appeared, judgments of condemnation were entered. It was ordered that the Food and Drug Administration be permitted to withdraw any portion of the New York lot that it required, and that the remainder be destroyed. The Chicago lot was ordered destroyed; however, on February 27, 1947, an amended order was entered permitting delivery of this lot to a public institution, where the good portion was to be used for human food and the unfit portion was to be disposed of as animal feed. The Tampa lot was ordered destroyed.

11375. Adulteration of Gouda cheese. U. S. v. 2,728 Boxes * * *. (F. D. C. No. 20687. Sample No. 45629-H.)

LIBEL FILED: August 29, 1946, Northern District of California.

ALLEGED SHIPMENT: On or about July 16, 1946, by the Land O'Lakes Creameries, Inc., from Minneapolis, Minn.

PRODUCT: 2,728 13-pound boxes of Gouda cheese at San Francisco, Calif.

LABEL, IN PART: "Cavquid Gouda Cheese—Land O'Lakes Creameries, Inc., Curers and Distributors."