

LABEL IN PART: "Fairmont Better Brand Butter."

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

DISPOSITION: October 2, 1946. The Fairmont Creamery Co., Omaha, Nebr., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for conversion into butter oil, under the supervision of the Federal Security Agency.

11567. Adulteration of butter. U. S. v. 81 Cases * * *. (F. D. C. No. 21078. Sample No. 49692-H.)

LIBEL FILED: September 4, 1946, Southern District of Texas.

ALLEGED SHIPMENT: On or about July 9, 1946, by the Jerpe Dairy Products Corp., from Fort Smith, Ark.

PRODUCT: 81 cases, each containing 32 1-pound cartons, of butter at Houston, Tex. The product was found to contain mold.

LABEL, IN PART: "Superior Brand Butter Manufactured by Jerpe Commission Co., Inc. C. A. Swanson & Sons, Omaha, Nebraska."

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

DISPOSITION: October 14, 1946. The Jerpe Dairy Products Corp., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be disposed of in compliance with the law, under the supervision of the Food and Drug Administration. The product was converted into butter oil.

11568. Adulteration of butter. U. S. v. 69 Cases * * *. (F. D. C. No. 21062. Sample No. 49876-H.)

LIBEL FILED: August 29, 1946, Southern District of Mississippi.

ALLEGED SHIPMENT: On or about August 22, 1946, by Armour & Co., from New Orleans, La.

PRODUCT: 69 cases, each containing 32 1-pound prints, of butter at Meridian, Miss. Analysis showed that the product contained mold.

LABEL, IN PART: "Creamery Butter Armour Creameries Distributors Gen'l Office, Chicago, Ill."

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

DISPOSITION: October 15, 1946. Armour & 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 butter oil, under the supervision of the Federal Security Agency.

11569. Adulteration of butter. U. S. v. 61 Cartons * * * (and 2 other seizure actions). (F. D. C. Nos. 21050, 21057, 21937. Sample Nos. 19774-H, 19775-H, 48965-H, 49895-H.)

LIBELS FILED: On or about July 29 and 30, and October 21, 1946, District of Minnesota and Northern and Middle Districts of Alabama.

ALLEGED SHIPMENT: Between the approximate dates of June 22 and August 27, 1946, by the Cudahy Packing Co., from Fairmont, N. Dak., and Nashville, Tenn.

PRODUCT: Butter. 61 cartons at Minneapolis, Minn., and 14 cases at Birmingham and 17 cases at Montgomery, Ala. Each carton and case contained 32 1-pound prints of butter. Analysis showed that a portion of the product contained mold.

LABEL, IN PART: "Cudahy's Sunlight Creamery Butter," or "Cudahy's Daisy Maid Brand Creamery Butter."

NATURE OF CHARGE: Adulteration (2 lots), Section 402 (a) (3), the article consisted in whole or in part of a decomposed animal substance; and (1 lot), Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: August 29, October 9, and November 15, 1946. The Cudahy Packing Co., Chicago, Ill., having appeared as claimant for the Minneapolis lot and consented to the entry of a decree, and no claimant having appeared for

the Birmingham and Montgomery lots which contained mold, judgments of condemnation were entered. It was ordered that the Minneapolis lot be released under bond for reworking under the supervision of the Federal Security Agency; that the other two lots be sold; that the Birmingham lot be used in the manufacture of fats; and that the Montgomery lot be denatured.

11570. Adulteration and misbranding of butter. U. S. v. 39 Cartons, etc. (F. D. C. Nos. 21071, 22675. Sample Nos. 42644-H, 53724-H.)

LIBELS FILED: August 12, 1946, Southern District of West Virginia, and February 10, 1947, Eastern District of Kentucky.

ALLEGED SHIPMENT: On or about August 1, 1946, and February 5, 1947, by the Merchants Creamery Co., from Cincinnati, Ohio.

PRODUCT: 39 cartons, each containing 20 1-pound rolls, of butter at Charleston, W. Va., and 36 32-pound cases of butter at Covington, Kentucky. Examination showed that the Charleston lot contained mold and that the Covington lot was short-weight.

LABEL, IN PART: (Wrappers, Charleston lot) "Krogers Country Club Quality Roll Creamery Butter One Pound Net Weight Packed for the Kroger Grocery & Baking Co."; (Covington lot) "4 Oz. Net * * * Dairy Brand Creamery Butter."

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

Covington lot. Misbranding, Section 403 (a), the label of the article failed to bear a correct statement of the quantity of the contents.

DISPOSITION: November 19, 1946, and March 7, 1947. The Merchants Creamery Co., claimant, having consented to the entry of decrees in both cases, judgments of condemnation were entered and the product was ordered released under bond. It was ordered that the Charleston lot be converted into butter oil and that the Covington lot be reprinted to the correct weight, both operations to be supervised by the Food and Drug Administration.

11571. Adulteration of butter. U. S. v. The Hartley Creamery and Abel Anderson. Pleas of guilty. Fines of \$150 against each defendant, plus costs. (F. D. C. No. 20918. Sample Nos. 63718-H, 63719-H.)

INFORMATION FILED: September 17, 1946, Northern District of Iowa, against the Hartley Creamery, a partnership, Hartley, Iowa, and Abel Anderson, a partner.

ALLEGED SHIPMENT: On or about May 13 and 17, 1946, from the State of Iowa into the State of New York.

LABEL, IN PART: "Creamery Butter Distributed By Bender Goodman Co. Inc. New York."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, milk fat, had been in part omitted from the article; and, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: January 28, 1947. Pleas of guilty having been entered on behalf of both defendants, the court imposed a fine of \$75 on each count against each defendant, a total fine of \$300, plus costs.

11572. Adulteration of butter. U. S. v. Beatrice Creamery Co. Plea of nolo contendere. Fine, \$200 and costs. (F. D. C. No. 20445. Sample Nos. 20879-H, 20880-H.)

INFORMATION FILED: July 12, 1946, District of Kansas, against the Beatrice Creamery Co., a corporation, Topeka, Kans.

ALLEGED SHIPMENT: On or about February 20, 1946, from the State of Kansas into the State of Missouri.

LABEL, IN PART: "Meadow Gold Butter."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent of the article, milk fat, had been in part omitted from it; and, Section 402 (b) (2), a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: October 7, 1946. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$100 on each count, a total fine of \$200, plus costs.