

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

**DISPOSITION:** April 28, 1947. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$250 and costs on count 1 and \$1,000 on count 2. The \$1,000 fine was suspended, conditioned that the defendant corporation's plant be made sanitary immediately, and that the defendant cooperate with the Food and Drug Administration to avoid violations of the law for a period of 12 months.

**11582. Adulteration of Cheddar cheese. U. S. v. Mountain States Creamery Co. Plea of guilty. Fine, \$100. (F. D. C. No. 21536. Sample Nos. 43852-H, 43980-H.)**

**INFORMATION FILED:** January 16, 1947, District of Utah, against the Mountain States Creamery Co., a corporation, Salt Lake City and Myton, Utah.

**ALLEGED SHIPMENT:** On or about June 6 and July 31, 1946, from the State of Utah into the State of California.

**LABEL, IN PART:** (Portion) "Whole Milk Cheddar Cheese, Pasteurized."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insect parts, rodent hair, feather barbules, an insect hair resembling hair of the dermestid larva, and an insect fragment; and, Section 402 (a) (4), it had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** March 14, 1947. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$100.

**11583. Adulteration and misbranding of cottage cheese. U. S. v. John H. Costello. Plea of guilty. Fine, \$400 on 2 counts. Sentence suspended on third count. (F. D. C. No. 20955. Sample Nos. 40361-H, 40367-H.)**

**INFORMATION FILED:** October 25, 1946, Eastern District of Missouri, against John H. Costello, trading as John H. Costello, St. Louis, Mo.

**ALLEGED SHIPMENT:** On or about June 25 and July 8 and 23, 1946, from the State of Missouri into the State of Illinois.

**LABEL, IN PART:** "Armour Cloverbloom Creamed Cottage Cheese One Pound Net Weight Armour Creameries Distributors," or "1 lb. Net Weight Costello's Creamed Cottage Cheese."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1) and (2), (portion of product) a valuable constituent, milk fat, had been in part omitted; and a product containing less than 4 percent by weight of milk fat and more than 80 percent of moisture had been substituted for creamed cottage cheese, a product required by the regulations to contain not less than 4 percent by weight of milk fat and not more than 80 percent of moisture.

Misbranding, Section 403 (e) (2), the remainder of the product failed to bear a label containing an accurate statement of the quantity of the contents, since the cartons contained less than the declared weight of one pound net.

**DISPOSITION:** December 30, 1946. The defendant having entered a plea of guilty, the court imposed a fine of \$200 on each of 2 counts and suspended sentence on the third count.

**11584. Adulteration of cheese. U. S. v. West Concord Butter & Cheese Association. Plea of guilty. Fine, \$250. (F. D. C. No. 20935. Sample No. 35972-H.)**

**INFORMATION FILED:** October 17, 1946, District of Minnesota, against the West Concord Butter & Cheese Association, a corporation, West Concord, Minn.

**ALLEGED SHIPMENT:** On or about April 4, 1946, from the State of Minnesota into the State of Oklahoma.

**LABEL, IN PART:** "Minnesota Skim Milk Cheese."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of rodent hair fragments, insect fragments, feather fragments, cow hairs, and manure particles; and,

Section 402 (a) (4), it had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: February 20, 1947. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$250.

**11585. Adulteration of cheese. U. S. v. 30 Boxes \* \* \*. (F. D. C. No. 20869. Sample Nos. 48331-H, 48332-H.)**

**LIBEL FILED:** September 11, 1946, District of Colorado.

**ALLEGED SHIPMENT:** On or about July 30, 1946, by A. V. Peterson, from Olympia, Wash.

**PRODUCT:** 30 boxes each containing 2 10-pound cheeses at Denver, Colo.

**LABEL, IN PART:** "Kummin-Ost [or "Nordland Ost"] Kalas Brand, Scandinavian Cheese."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy and decomposed substance by reason of the presence of larvae, insect parts, and black mold.

**DISPOSITION:** November 18, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**11586. Adulteration of cheese. U. S. v. 5 Boxes \* \* \*. (F. D. C. No. 20914. Sample No. 47726-H.)**

**LIBEL FILED:** September 24, 1946, Western District of Washington.

**ALLEGED SHIPMENT:** On or about August 17, 1946, by the Colorado Cheese Co., from Trinidad, Colo.

**PRODUCT:** 5 boxes each containing 6 15-pound cheeses at Seattle, Wash.

**LABEL, IN PART:** "Colorado Romano Cheese."

**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 live worms.

**DISPOSITION:** November 22, 1946. Angelo Merlino & Sons, Seattle, Wash., 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 reprocessed, cleaned, and recoated under the supervision of the Federal Security Agency.

**11587. Adulteration and misbranding of grated cheese. U. S. v. 352 Dozen Cartons \* \* \*. (F. D. C. No. 21187. Sample Nos. 48626-H, 48627-H.)**

**LIBEL FILED:** October 16, 1946, District of Colorado.

**ALLEGED SHIPMENT:** On or about August 31, 1946, by the Ehrat Cheese Co., Inc., from Chicago, Ill.

**PRODUCT:** 176 dozen 2-ounce cartons and 176 dozen 1½-ounce cartons of grated cheese at Denver, Colo. Examination showed that the American type grated cheese contained approximately 27 percent lactose, and that the Italian type contained approximately 14 percent lactose, showing the presence of a milk product other than cheese.

**LABEL, IN PART:** "Bluhill Grated Cheese American Type [or "Italian Type"] Distributed by Bluhill Foods, Inc., Denver, Colo."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a substance high in lactose had been substituted in whole or in part for grated cheese.

Misbranding, Section 403 (a), the label statements "Grated Cheese American Type" and "Grated Cheese Italian Type" were false and misleading.

**DISPOSITION:** March 26, 1947. The Ehrat Cheese Co., Inc., having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be relabeled under the supervision of the Federal Security Agency.

#### MISCELLANEOUS DAIRY PRODUCTS

**11588. Adulteration of ice cream. U. S. v. Asael Farr and Sons Co. (Farr Ice Cream Co.), a corporation, and Asael Farr, Sr., and Dexter Farr. Pleas of guilty. Fines of \$20 against the corporation, \$20 against Dexter Farr, and \$10 against Asael Farr, Sr. (F. D. C. No. 20977. Sample Nos. 48401-H, 48406-H.)**