

DAIRY PRODUCTS

BUTTER

The following cases report actions involving butter that consisted in whole or in part of filthy or decomposed substances, Nos. 11884 to 11887; that was below the standard for milk fat content, Nos. 11886 to 11898; and that was short of the declared weight, Nos. 11899 and 11900.

11884. Adulteration of butter. U. S. v. 399 Cases * * *. (F. D. C. No. 21921. Sample No. 53433-H.)

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

ALLEGED SHIPMENT: On or about August 29, 1946, by Swift & Co., from Lexington, Ky.

PRODUCT: Butter. 398 32-pound cases and 1 12-pound case at Cincinnati, Ohio.

LABEL, IN PART: "Swift's Brookfield Butter Distributed by Swift & Company General Office Chicago, Ill."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance since it was made from decomposed cream, as evidenced by a high mold mycelia count.

DISPOSITION: October 11, 1946. No claimant having appeared, judgment of forfeiture was entered and the product was ordered sold, conditioned that it be disposed of for purposes other than human consumption.

11885. Adulteration of process butter. U. S. v. 76 Pounds * * *. (F. D. C. No. 21936. Sample Nos. 49884-H, 49891-H.)

LIBEL FILED: September 24, 1946, Northern District of Alabama.

ALLEGED SHIPMENT: On or about June 25, 1946, by the Rainbow Distributing Co., from Cedartown, Ga.

PRODUCT: 76 pounds of process butter at Anniston, Ala. Analysis showed that the article contained insects, insect fragments, maggots, maggot fragments, rodent hairs, and feather fragments.

LABEL, IN PART: "Cherokee Rose Process Butter Mfg. by Cherokee Creamery, Inc. Cedartown, Ga."

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

DISPOSITION: October 24, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold, to be used in the manufacture of grease, glycerin, or soap.

11886. Adulteration of butter. U. S. v. Harold L. Comstock (Gem Creamery Co.). Plea of nolo contendere accepted by the court. No fine or sentence imposed. (F. D. C. No. 21563. Sample Nos. 46940-H, 53867-H to 53869-H, incl.)

INFORMATION FILED: February 14, 1947, District of Idaho, against Harold L. Comstock, an individual, trading as the Gem Creamery Co., at Emmett, Idaho.

ALLEGED SHIPMENT: On or about July 6 and 17 and August 9, 1946, from the State of Idaho into the States of Oregon and California.

LABEL, IN PART: "Gem Creamery Butter."

NATURE OF CHARGE: Adulteration (portions of product), Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect fragments, mites, and rodent hairs; Section 402 (a) (4), it had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth; Section 402 (b) (1), a valuable constituent, milk fat, had been omitted; and, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter. (Two of the shipments contained filth; one of these and the third shipment were low in milk fat.)

DISPOSITION: June 4, 1947. A plea of nolo contendere having been entered by the defendant, the court accepted the plea and imposed no fine or sentence.