

LABEL, IN PART: (Boxes) "Pick a Pink"; (labeled bars) "Cooper's Nut Fudge Average weight 1¾ ounces."

NATURE OF CHARGE: Misbranding, Section 403 (a), the name "Nut Fudge" was false and misleading, since the product contained little or no nuts; and, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (The bars contained less than the labeled weight of 1¾ ounces.)

DISPOSITION: June 12, 1948. Default decree of condemnation. The product was ordered delivered to a charitable institution.

13250. Misbranding of marshmallow whip. U. S. v. 20 Cases * * *. (F. D. C. No. 24402. Sample No. 21083-K.)

LABEL FILED: January 10, 1948, District of Nebraska.

ALLEGED SHIPMENT: On or about October 20, 1947, by the Tilwald Products Co., from Sioux City, Iowa.

PRODUCT: 20 cases, each containing 24 jars, of marshmallow whip at Hastings, Nebr.

LABEL, IN PART: "Sweet Sue Marshmallow Whip Net Contents 16 Fl. oz."

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. (The jars contained less than the declared weight of 16 fluid ounces.)

DISPOSITION: On February 26, 1948, a default decree of condemnation and destruction was entered. On April 19, 1948, a supplemental decree was entered directing that the condemned property be delivered to a charitable institution.

DAIRY PRODUCTS

BUTTER

The following cases report actions involving butter that consisted in whole or in part of filthy or decomposed substances, Nos. 13251 to 13257; and that was below the standard for milk fat content, Nos. 13258 to 13263.

13251. Action to enjoin and restrain the interstate shipment of butter. U. S. v. Armour & Co., operating as Armour Creameries, from Meridian, Miss. Consent decree granting injunction. (Inj. No. 148.)

COMPLAINT FILED: April 10, 1947, Southern District of Mississippi, against Armour & Co., operating as Armour Creameries, Meridian, Miss. a corporation.

NATURE OF CHARGE: That the defendant since July 10, 1940, had been manufacturing, preparing, packing, and shipping butter in interstate commerce; that the butter so manufactured was adulterated as follows: Sections 402 (a) (3) and (4), it consisted in whole or in part of a filthy, putrid, and decomposed substance, in that it contained filth in the form of insects, insect fragments, rodent hairs, feather fragments, maggots, animal hairs, ants, flies, weevils, beetles, rat pellets, cat hairs, gnats, a wad of chewed chewing gum, mosquitoes, and nondescript dirt, and was unfit as a food for human consumption; that shipments of butter by the defendants had been sampled and seized and were found to contain mold, resulting from the fact that it had been made from cream all or a substantial portion of which was decomposed, and that said butter so seized had also contained filth; and that despite warnings by the Food and Drug Administration, the defendant had failed to remedy the conditions in the method of operation in the plant and was continuously manufacturing, preparing, packing, and shipping in interstate commerce adulterated butter; and that he would continue to ship such butter in interstate commerce, unless enjoined from so doing.

PRAYER OF COMPLAINT: That a preliminary injunction issue, and that, after due proceedings, the preliminary injunction be made permanent.

DISPOSITION: September 16, 1947. Armour & Co., operating as Armour Creameries, Meridian, Miss., having appeared and without admitting or denying the allegations of the complaint, having agreed to discontinue shipping in interstate commerce butter which was adulterated, and having consented to the entry of a decree, an order was entered permanently enjoining the defendant from shipping in interstate commerce adulterated butter manufactured or to be manufactured in the Meridian, Miss., plant.