

DISPOSITION: On May 21, 1948, a default decree of condemnation and destruction was entered. On June 4, 1948, the court on its own motion directed that the Kraft Cheese Co. be allowed to use the cheese as feed for animals, the feeding to be under the supervision of the United States marshal.

13269. Adulteration and misbranding of American cheese. U. S. v. 57 Cases
* * *. (F. D. C. No. 24354. Sample No. 12507-K.)

LIBEL FILED: February 18, 1948, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about January 13, 1948, by Sunette Dairy Co., Inc., from New York, N. Y.

PRODUCT: 57 cases, each containing 6 5-pound boxes, of American cheese at Philadelphia, Pa.

LABEL, IN PART: "Sunette's Pasteurized American."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing excessive moisture and deficient in milk fat had been substituted in whole or in part for cheese.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for American cheese, since it contained more than 39 percent of moisture and its solids contained less than 50 percent of milk fat.

DISPOSITION: On or about July 12, 1948, Sunette Dairy Co., Inc., New York, N. Y., claimant, having admitted the allegations in the libel, judgment of condemnation was entered ordering the product released under bond to be brought into compliance with the law by reworking or reprocessing under the supervision of the Food and Drug Administration.

MISCELLANEOUS DAIRY PRODUCTS*

13270. Action to enjoin and restrain interstate shipment of dairy products. U. S. v. Calder Brothers Co., Hyrum B. Calder, Howard Calder, J. Hamilton Calder, Delbert Shiner, and Thurman Peterson. Temporary injunction granted. Calder Brothers Co. fined \$350 for violation of temporary injunction; action dismissed as to individual defendants. Temporary injunction dissolved as to Calder Brothers Co. (Inj. No. 76.)

COMPLAINT FILED: January 30, 1945, District of Utah, against the Calder Brothers Co., a corporation, Vernal, Utah, and Hyrum B. Calder, Howard Calder, J. Hamilton Calder, Delbert Shiner, and Thurman Peterson.

NATURE OF CHARGE: That the defendants were engaged in the business of manufacturing, selling, and distributing various kinds of dairy products and had been operating and were at the time operating a plant at Vernal, Utah, which produced roller dried skim milk, and plants at Altonah and Roosevelt, Utah, which produced Cheddar cheese; that the defendants had on numerous occasions delivered and introduced into interstate commerce dairy products manufactured at the Vernal, Altonah, and Roosevelt plants which were adulterated within the meaning of the Federal Food, Drug, and Cosmetic Act; that the foods shipped in interstate commerce by the defendants were prepared, packed, and held under insanitary conditions, in that the buildings, walls, floor, shelves, vats, tanks, churns, and other equipment used in the preparation, packing, and holding of the food had been and were still infested with flies, beetles, mice, and other insects, and rodents, and with filth, dust, mold, dirt, excreta of rodents, and with dead flies, insects, and rodents; and that the milk used in preparation of the food was contaminated and consisted in part of a filthy substance, namely, manure and other ingredients.

The complaint alleged also that the defendants had repeatedly been informed that the food products manufactured by them were being prepared, packed, and held under insanitary conditions; and the defendants were warned that these practices must cease. It further alleged that the defendants, in spite of repeated notices and warnings, continued to prepare, pack, and hold food products under insanitary conditions, and continued to ship, and intended to continue shipping, the food products in interstate commerce unless restrained and enjoined from so doing.

*See also No. 13266.