

PRAYER OF COMPLAINT: That the defendants show cause why an injunction should not issue enjoining and restraining them from commission of the acts complained of.

DISPOSITION: April 9, 1945. The matter was heard before the court, and a temporary injunction was entered enjoining the defendants from shipping in interstate commerce any food products which had been prepared, packed, and held under insanitary conditions whereby the food may have become contaminated with filth or in any way adulterated within the meaning of the law.

On March 1, 1946, a petition was filed, charging the defendants with contempt of court for violation of the injunction by reason of the shipment on or about August 25 and 27 and September 19 and 22, 1945, of adulterated dairy products which had been prepared, packed, and held under insanitary conditions, from the State of Utah into the States of California and Colorado. The petition also requested that the temporary order of injunction be made permanent. On March 22, 1946, the defendants having admitted the allegations in the petition, the Calder Brothers Co. was fined \$250.

On March 24, 1947, a petition was filed, charging the defendants with contempt of court for further violation of the injunction by reason of the shipment on or about January 20, 22, and 24, 1947, from the State of Utah into the State of Colorado, of adulterated dairy products which had been prepared, packed, and held under insanitary conditions. The petition also requested that the temporary injunction be made permanent. On October 7, 1947, the matter came on for hearing, and the complaint and petitions were dismissed as to the defendants, Hyrum B. Calder, Howard Calder, J. Hamilton Calder, Delbert Shiner, and Thurman Peterson. Thereupon, on behalf of the Calder Brothers Co., Howard Calder admitted violation of the temporary order of injunction, and the court sentenced the company to pay a fine of \$100. The temporary injunction was then ordered dissolved and set aside.

13271. Adulteration of frozen cream. U. S. v. Pine City Dairy Co. and LaVerne C. Hansen. Pleas of guilty. Fine, \$500 on count 1; sentence suspended on count 2 and defendants placed on probation for 3 years. (F. D. C. No. 22067. Sample Nos. 60833-H, 63787-H.)

INFORMATION FILED: June 7, 1947, District of Minnesota, against the Pine City Dairy Co., a partnership, Pine City, Minn., and LaVerne C. Hansen, a partner.

ALLEGED SHIPMENT: On or about June 20 and July 6, 1946, from the State of Minnesota into the States of New Jersey and Pennsylvania.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insects, insect fragments, rodent hair fragments, cat hair, cow hairs, unidentified hairs, manure fragments, and nondescript dirt; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 30, 1947. Pleas of guilty having been entered, the defendants were fined \$500 on count 1. Imposition of sentence was suspended on count 2, and the defendants were placed on probation for a period of 3 years.

13272. Adulteration of cream. U. S. v. Zink Produce. Plea of guilty. Fine, \$25. (F. D. C. No. 23600. Sample No. 86004-H.)

INFORMATION FILED: October 28, 1947, District of Kansas, against Zink Produce, a partnership, Larned, Kans.

ALLEGED SHIPMENT: On or about February 20, 1947, from the State of Kansas into the State of Colorado.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of rodent hairs.

DISPOSITION: November 24, 1947. A plea of guilty having been entered, the defendant was fined \$25.

13273. Adulteration of cream. U. S. v. 1 Can * * * (and 3 other seizure actions). (F. D. C. Nos. 25371, 25373, 25518, 25540. Sample Nos. 28369-K, 28381-K, 28534-K, 28553-K.)

LIBELS FILED: Between the approximate dates of June 11 and 28, 1948, District of Colorado.

ALLEGED SHIPMENT: On or about June 8, 17, and 23, 1948, by Campbell Produce, from Benkelman, Nebr.; by Klein Produce, from Goodland, Kans.; by Carl Schulte, from Happy, Tex.; and by G. J. Musselman, from Wheatland, Wyo.

PRODUCT: Cream. 4 10-gallon cans and 1 5-gallon can at Denver, Colo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy, decomposed, and putrid animal substance by reason of the presence of nondescript dirt, fly eggs, feather barbules, beetle parts, larvae, a fly, rodent hairs, clumps of hair, a mouse, skin with hairs attached, maggots, mites, and unidentified hairs.

DISPOSITION: July 12 and 19 and August 3, 1948. Default decrees of condemnation and destruction.

13274. Adulteration and misbranding of oleomargarine. U. S. v. Kent Products, Inc. Plea of nolo contendere. Fine, \$200 and costs. (F. D. C. No. 24542. Sample No. 20903-K.)

INFORMATION FILED: April 19, 1948, Western District of Missouri, against Kent Products, Inc., a corporation, Kansas City, Mo.

ALLEGED SHIPMENT: On or about August 29, 1947, from the State of Missouri into the State of Kansas.

LABEL, IN PART: "Richmade Brand Vegetable Oleomargarine One Pound Net."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of fat had been substituted for oleomargarine. Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for oleomargarine, since it contained less than 80 percent of fat.

DISPOSITION: May 19, 1948. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$100 on each of the 2 counts, plus costs.

FEEDS AND GRAINS

13275. Action to enjoin and restrain the interstate shipment of animal feed. U. S. v. Berend J. Burns (Burns Grain Co.) and Edward M. Senftle (Buffalo Feed Processing Co. and Buffalo Feed Processing Co., Inc.). Consent decree granting injunction. (Inj. No. 170.)

COMPLAINT FILED: May 1, 1947, Western District of New York, against Berend J. Burns, trading as the Burns Grain Co., and Edward M. Senftle, trading as the Buffalo Feed Processing Co. and Buffalo Feed Processing Co., Inc., Buffalo, N. Y.

NATURE OF CHARGE: Since July 1, 1945, Berend J. Burns, trading as the Burns Grain Co., had been engaged in the purchase, manipulation, sale, and interstate shipment of animal feed, and Edward M. Senftle, trading as the Buffalo Feed Processing Co. and Buffalo Feed Processing Co., Inc., had been operating a plant and factory for the milling, manufacturing, labeling, and interstate shipment of animal feed and financing such activities; that in the year 1945, the defendants shipped to Chestertown, Md., and Cincinnati, Ohio, quantities of feed labeled in part "Guaranteed Analyses Protein 20-22%, Fat 4½-5½%"; that the product so labeled contained less than 20 percent of protein and less than 4½ percent of fat; that in the year 1946, the defendants shipped various lots of feed to Hampstead and Chestertown, Md., Charles Town, W. Va., and Johnstown, Pa., under certificates of analyses indicating that the product contained a certain percentage of protein, but the analyses showed that the protein content was substantially less than represented in the respective certificates; that some of the aforesaid shipments were made in the name of Edward M. Senftle, and others were made in the name of the Burns Grain Co.; and that the feed so shipped was misbranded as follows: Section 403 (a), the statements on the tags and in the certificates of analyses regarding the products were false and misleading since the products contained less protein and in some instances less fat than so represented.

PRAYER OF COMPLAINT: That the defendants be enjoined from the interstate shipment of misbranded food products.

DISPOSITION: May 7, 1947. The defendants having consented to the entry of a decree, an order was entered permanently enjoining the defendants from