

**13416. Adulteration and misbranding of Nut Krunch. U. S. v. 1 Drum \* \* \***  
(and 1 other seizure action). (F. D. C. Nos. 25097, 25098. Sample Nos. 966-K, 967-K.)

**LIBELS FILED:** On or about July 20, 1948, Northern District of Georgia.

**ALLEGED SHIPMENT:** On or about May 26, 1948, by Brokay Products, from Philadelphia, Pa.

**PRODUCT:** 2 35-pound drums of Nut Krunch at Hapeville, Ga.

**LABEL, IN PART:** "Brokay '90' Nut Krunch Almond Flavored."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a substance consisting essentially of soy beans with a small amount of chopped peanuts had been substituted for "Nut Krunch."

Misbranding, Section 403 (a), the name "Nut Krunch" was false and misleading; and Section 403 (i) (2), the article was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient, since the name of one of the ingredients present, soy beans, had been omitted from the label.

**DISPOSITION:** August 26, 1948. Default decrees of condemnation. The product was ordered delivered to a Federal penitentiary, for use as animal feed.

**13417. Adulteration of chocolate-covered cherries. U. S. v. 19 Boxes \* \* \***  
(F. D. C. No. 24755. Sample No. 4931-K.)

**LIBEL FILED:** May 3, 1948, District of Massachusetts.

**ALLEGED SHIPMENT:** On or about March 31, 1948, by the Pitt Chocolate Co., from Wilkinsburg, Pa.

**PRODUCT:** 19 13-ounce boxes of chocolate-covered cherries at Boston, Mass.

**LABEL, IN PART:** "Pitt Finest Cordial Chocolate Covered Stem Cherries."

**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 insect fragments and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** August 31, 1948. Default decree of condemnation and destruction.

**13418. Misbranding of Coconut Chips. U. S. v. 38 Cases \* \* \*** (F. D. C. No. 25170. Sample Nos. 30300-K, 30347-K, 30348-K.)

**LIBEL FILED:** July 19, 1948, Southern District of California.

**ALLEGED SHIPMENT:** On or about May 8 and 29, 1948, by the Polynesian Food Specialties, Ltd., from Honolulu, T. H.

**PRODUCT:** 38 cases, each containing 24 cans, of Coconut Chips at Los Angeles, Calif.

**LABEL, IN PART:** "Kokies Hawaiian Coconut Chips Net Contents 4 ounces."

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents. (The article was short-weight.)

**DISPOSITION:** August 5, 1948. The May Department Stores Co., Los Angeles, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Federal Security Agency.

## DAIRY PRODUCTS

### BUTTER\*

The following cases report actions involving butter that was below the legal standard for milk fat content, Nos. 13419 to 13425.

**13419. Adulteration of butter. U. S. v. Berger Creamery Co. Plea of nolo contendere. Fine, \$50 and costs.** (F. D. C. No. 24537. Sample No. 8824-K.)

**INFORMATION FILED:** May 28, 1948, District of Nebraska, against the Berger Creamery Co., a partnership, South Sioux City, Nebr.

**ALLEGED SHIPMENT:** On or about July 29, 1947, from the State of Nebraska into the State of New York.

\*See also Nos. 13426, 13427.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, milk fat, had been in part omitted; and, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

**DISPOSITION:** July 16, 1948. A plea of nolo contendere having been entered, the defendant was fined \$50.

**13420. Adulteration of butter. U. S. v. 81 Boxes (approximately 5,265 pounds)** \* \* \*. (F. D. C. No. 25530. Sample No. 9216-K.)

**LIBEL FILED:** July 30, 1948, Southern District of New York.

**ALLEGED SHIPMENT:** On or about July 19, 1948, by Knoxville Creamery, from Knoxville, Iowa.

**PRODUCT:** 81 boxes, each containing approximately 65 pounds, of butter at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

**DISPOSITION:** August 18, 1948. Knoxville Co-op Creamery, Knoxville, Iowa, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration.

**13421. Adulteration of butter. U. S. v. 9 Boxes (567 pounds)** \* \* \*. (F. D. C. No. 24936. Sample Nos. 15943-K, 25403-K.)

**LIBEL FILED:** June 14, 1948, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about May 26, 1948, by Traill County Farmers Union Produce, from Hillsboro, N. Dak.

**PRODUCT:** 9 boxes, each containing 63 pounds of butter at Chicago, Ill.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

**DISPOSITION:** June 23, 1948. The H. C. Christians Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration.

**13422. Adulteration and misbranding of butter. U. S. v. 20 Cartons (1,260 pounds)** \* \* \*. (F. D. C. No. 24935. Sample No. 25402-K.)

**LIBEL FILED:** June 4, 1948, Southern District of New York.

**ALLEGED SHIPMENT:** On or about May 24, 1948, by the Farmers Cooperative Creamery, from Montevideo, Minn.

**PRODUCT:** 20 63-pound cartons of butter at New York, N. Y.

**LABEL, IN PART:** "Butter."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

Misbranding, Section 403 (a), the label statement "Butter" was false and misleading, as the article contained less than 80 percent milk fat.

**DISPOSITION:** June 18, 1948. The Farmers Cooperative Creamery Association, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reworking under the supervision of the Federal Security Agency.

**13423. Adulteration of butter. U. S. v. 10 Cartons (650 pounds)** \* \* \*. (F. D. C. No. 25529. Sample No. 25966-K.)

**LIBEL FILED:** July 26, 1948, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about July 13, 1948, by the Leola Creamery Co., from Leola, S. Dak.

**PRODUCT:** 10 65-pound cartons of butter at Chicago, Ill.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.