

13429. Adulteration of Cheddar cheese. U. S. v. 77 Boxes * * *. (F. D. C. No. 23353. Sample No. 77485-H.)

LIBEL FILED: June 21, 1947, Northern District of Illinois.

ALLEGED SHIPMENT: On or about June 9, 1947, by the Perry Milk Products Co., Inc., from Perry, Iowa.

PRODUCT: 77 boxes, containing a total of 5,711 pounds, of Cheddar cheese at Freeport, Ill.

LABEL, IN PART: "Iowa Cheddar."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments and manure fragments and by reason of the use of filthy milk in its preparation; and, section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 24, 1948. Default decree of condemnation and destruction. Subsequent to the entry of the decree, the Kraft Cheese Co., Freeport, Ill., the firm in possession of the cheese when seized, petitioned the court for permission to use the product for animal feed. On June 4, 1948, the court entered an order permitting such disposition of the cheese under the supervision of the United States marshal.

EGGS

13430. Adulteration of dried whole eggs. U. S. v. Joseph J. Giordano and Horace A. Gioia (Giordano & Gioia). Pleas of guilty. Fine of \$300 against each defendant. (F. D. C. No. 15572. Sample No. 92364-F.)

INDICTMENT RETURNED: May 29, 1945, District of New Jersey, against Joseph J. Giordano and Horace A. Gioia, trading as Giordano & Gioia, Jersey City N. J.

ALLEGED SHIPMENT: On or about March 22 and 24, 1944, from the State of New Jersey into the State of New York.

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

DISPOSITION: February 20, 1948. Pleas of guilty having been entered, the court imposed a fine of \$300 against each defendant.

13431. Adulteration of dried whole eggs. U. S. v. Jacob J. Shevelove. Plea of not guilty. Tried to the court. Verdict of guilty. Fine, \$1,000. (F. D. C. No. 15571. Sample Nos. 82871-F, 5804-H.)

INDICTMENT RETURNED: May 29, 1945, District of New Jersey, against Jacob J. Shevelove, Newark, N. J.

ALLEGED SHIPMENT: On or about May 4 and August 30, 1944, from the State of New Jersey into the State of New York.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed eggs.

DISPOSITION: A plea of not guilty having been entered, the case came on for trial before the court without a jury. At the conclusion of the testimony, the court found the defendant guilty, but postponed sentencing until a future date. On May 7, 1948, the court imposed a fine of \$500 on each of the two counts of the indictment.

13432. Alleged conspiracy to violate the Federal Food, Drug, and Cosmetic Act with respect to shipment and delivery of dried whole eggs. U. S. v. Joseph J. Giordano, Horace A. Gioia, Benjamin Schleifer, Jacob J. Shevelove, John W. Coyne, Gioia Macaroni Co., and Cocar, Inc. Pleas of not guilty. Trial of defendants John W. Coyne and Cocar, Inc., before a jury. Verdict of not guilty. Conspiracy indictment against other defendants dismissed. (F. D. C. No. 15571. Sample Nos. 82871-F, et al.)

INDICTMENT RETURNED: May 29, 1945, District of New Jersey, against Joseph J. Giordano, Horace A. Gioia, Benjamin Schleifer, and John W. Coyne, all of Rochester, N. Y., Jacob J. Shevelove, Newark, N. J., and the Gioia Macaroni Co. and Cocar, Inc., corporations located at Rochester, N. Y.

NATURE OF CHARGE: The indictment alleged that the defendants, in January 1944, and continuously thereafter to August 31, 1944, at Jersey City, N. J., willfully, knowingly, and unlawfully conspired and agreed together to commit offenses