

4771. Action to enjoin and restrain the interstate shipment of cheese. U. S. v. Cudahy Packing Co. Tried to the court. Verdict for the defendant; case dismissed. (Inj. No. 205.)

COMPLAINT FILED: January 24, 1949, Eastern District of Oklahoma, against the Cudahy Packing Co., Ada, Okla.

NATURE OF CHARGE: That the defendant had been and was at the time shipping in interstate commerce, cheese which was adulterated as follows: Section 402 (a) (3), it consisted in part of filthy substances such as insect fragments, rodent hair fragments, manure fragments, and feather barbules; and, Section 402 (a) (4), it had been prepared and was being prepared under insanitary conditions whereby it may have become contaminated with filth.

The complaint alleged further that the insanitary conditions in the defendant's plant at Ada, Okla., consisted of the presence of insects and rodents in and around the equipment used for manufacturing, preparing, and packing the cheese, and in other places in the plant where the cheese was prepared or held; and that the defendant continued to ship in interstate commerce, adulterated cheese and would continue to ship such cheese in interstate commerce unless enjoined from so doing.

PRAYER OF COMPLAINT: That the defendant be perpetually enjoined from commission of the acts complained of, and that a preliminary injunction be granted during the pendency of the action.

DISPOSITION: The defendant filed an answer denying that any cheese had been shipped in interstate commerce since August 1, 1948, which was adulterated as alleged in the complaint, and it requested that the action be dismissed. The case came on for trial before the court on May 13, 1949, at which time the court heard the evidence. Oral argument was had in the matter on May 20, 1949, and on May 23, 1949, the court handed down its findings of fact and conclusions of law, to the effect that there were no present violations of the Act by the defendant and that there were no reasonable grounds to anticipate any future violation of the Act by the defendant. In accordance therewith, a decree was entered on May 24, 1949, denying the Government's application for injunction and ordering the case dismissed.

14772. Adulteration of creamed cottage cheese. U. S. v. The Grantsville Creamery, Inc. Plea of guilty. Fine of \$250 and costs. (F. D. C. No. 26306. Sample Nos. 2228-K, 2229-K, 2231-K to 2233-K, incl., 2251-K, 8899-K.)

INFORMATION FILED: January 10, 1949, District of Maryland, against the Grantsville Creamery, Inc., Grantsville, Md.

ALLEGED SHIPMENT: On or about March 29 and May 17 and 24, 1948, from the State of Maryland into the States of West Virginia and New York.

LABEL, IN PART: "Armour Cloverbloom Pasteurized Creamed Cottage Cheese Armour Creameries-Distributors-General Office Chicago, Ill." or "Pasteurized Popcorn Style Cheese The Grantsville Creamery, Inc. Grantsville, Md."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product which contained less than 4 percent by weight of milk fat had been substituted in part for creamed cottage cheese; and, Section 403 (g) (1), the product fell below the standard of identity for creamed cottage cheese since it contained less than 4 percent by weight of milk fat.

DISPOSITION: April 29, 1949. A plea of guilty having been entered, the defendant was fined \$250, together with costs.