

14823. Adulteration of candy. U. S. v. 199 Cases * * *. (F. D. C. No. 26565. Sample No. 46985-K.)

LABEL FILED: February 25, 1949, Northern District of Ohio.

ALLEGED SHIPMENT: On or about January 17, 1949, by the Zion Candy Industry, Division of Zion Industries, Inc., from Zion, Ill.

PRODUCT: 199 cases, each containing 10 boxes, of candy at Youngstown, Ohio.

LABEL, IN PART: "120 Ct. Zion Chocolate Marshmallow Eggs."

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

DISPOSITION: July 29, 1949. Default decree of condemnation and destruction.

14824. Misbranding of candy. U. S. v. 192 Packages, etc. (F. D. C. No. 26659. Sample Nos. 5943-K, 5944-K, 62201-K, 62202-K.)

LABEL FILED: March 16, 1949, District of Massachusetts.

ALLEGED SHIPMENT: On or about February 14, 1949, by the Cumberland Valley Products Corp., from Philadelphia, Pa.

PRODUCT: 276 packages of candy at Merrimac, Mass.

LABEL, IN PART: "C. V. Delicious Home Style Fudge Net Wt. 1 Lb."

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

DISPOSITION: June 22, 1949. Default decree of condemnation. The product was ordered delivered to a charitable institution.

DAIRY PRODUCTS

BUTTER

The following cases report actions involving butter that consisted in whole or in part of filthy or decomposed substances, Nos. 14825 to 14827, and that was below the legal standard for milk fat content, Nos. 14828 to 14831.

14825. Adulteration of butter. U. S. v. The Merchants Creamery Co., Inc., and Edwin A. Bischoff. Pleas of guilty. Joint fine of \$3,000. (F. D. C. No. 26297. Sample Nos. 19169-K to 19171-K, incl., 19493-K, 39860-K, 44420-K.)

INFORMATION FILED: December 2, 1948, Southern District of Ohio, against the Merchants Creamery Co., Inc., Cincinnati, Ohio, and Edwin A. Bischoff, president.

ALLEGED SHIPMENT: On or about July 26 and 28 and August 5 and 17, 1948, from the State of Ohio into the States of Pennsylvania, Kentucky, and Indiana.

LABEL, IN PART: "Rose [or "Clover," "Forest Brook," or "Dairy"] Brand Creamery Butter."

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, and rodent hair fragments; and, Section 402 (a) (4), it had been

prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 11, 1949. Pleas of guilty having been entered, the defendants were jointly fined \$3,000.

14826. Adulteration of butter. U. S. v. United Dairies, Inc., and Rudolph H. Hollander. Pleas of guilty. Corporation fined \$200 and costs; individual defendant fined \$10. (F. D. C. No. 26777. Sample Nos. 15547-K, 15567-K, 15568-K.)

INFORMATION FILED: May 2, 1949, Northern District of Iowa, against United Dairies, Inc., George, Iowa, and Rudolph H. Hollander, manager.

ALLEGED SHIPMENT: On or about July 19 and October 25, 1948, from the State of Iowa into the State of Michigan.

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, insect eggs, rodent, cat, and cow hair fragments, feather barbules, manure fragments, mold, rust, plant material, sand, metallic fragments, and dirt.

DISPOSITION: May 17, 1949. Pleas of guilty having been entered, the corporation was fined \$200 and costs and the individual defendant was fined \$10.

14827. Adulteration of butter. U. S. v. 20 Boxes * * * (and 1 other seizure action; 2,542 pounds, total.) (F. D. C. Nos. 26683, 27038. Sample Nos. 43602-K, 43641-K, 43642-K.)

LIBELS FILED: January 18 and February 7, 1949, Western District of Kentucky.

ALLEGED SHIPMENT: On or about December 18, 1948, and January 12, 1949, by the Sugar Creek Creamery Co., from Evansville, Ind.

PRODUCT: 41 62-pound boxes of butter at Louisville, Ky.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a decomposed substance since it was made from decomposed cream, as evidenced by a high mold mycelia count; and a portion consisted in part of a filthy substance by reason of the presence of insect fragments, including fragments of flies, and rodent hair fragments.

DISPOSITION: March 22, 1949. No claimant having appeared for 20 boxes of the product, that portion was condemned and ordered delivered to a public institution, for use as animal feed. On April 5, 1949, the Sugar Creek Creamery Co., claimant for the remaining 21 boxes, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be converted into butter oil, under the supervision of the Food and Drug Administration.

14828. Adulteration of butter. U. S. v. Goodrich Creamery. Plea of guilty. Fine, \$100. (F. D. C. No. 26758. Sample No. 45535-K.)

INFORMATION FILED: March 24, 1949, District of North Dakota, against the Goodrich Creamery, a partnership, Goodrich, N. Dak.

ALLEGED SHIPMENT: On or about January 15, 1949, from the State of North Dakota into the State of New York.

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 which