

16115. Adulteration of candy. U. S. v. 41 Boxes * * * (and 1 other seizure action). (F. D. C. No. 28937. Sample Nos. 15449-K, 15450-K.)

LIBELS FILED: April 3, 1950, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about September 16, 1949, and January 20 and 25, 1950, by Waldies Chocolate Co., Inc., from New York, N. Y.

PRODUCT: Candy. 41 boxes, each containing 24 1½-ounce bars, and 42 boxes, each containing 24 1¼-ounce bars, at Detroit, Mich.

LABEL, IN PART: "Waldies Imitation Maple Walnut Marshmallow Chocolate Covered" or "Waldies Mint Patty."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product was unfit for food by reason of the presence of wood splinters.

DISPOSITION: May 12, 1950. Default decrees of condemnation and destruction.

16116. Misbranding of candy. U. S. v. 17 Cartons, etc. (F. D. C. No. 28971. Sample Nos. 68432-K, 68438-K, 68439-K.)

LIBEL FILED: April 18, 1950, Eastern District of Washington.

ALLEGED SHIPMENT: On or about February 15, 1950, by the Creston Candy Corp., from New York, N. Y.

PRODUCT: 36 cartons of candy at Yakima, Wash.

LABEL, IN PART: "Milk Chocolate Standing Rabbit [or "Jack Rabbit" or "Rooster"] Net Weight 3¼ Ozs."

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 candy was short of the declared weight.)

DISPOSITION: May 22, 1950. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution for children.

DAIRY PRODUCTS

BUTTER

The following cases report actions involving butter that consisted in whole or in part of filthy or decomposed substances, Nos. **16117** and **16118**, and that was below the legal standard for milk fat content, Nos. **16119** and **16120**.

16117. Adulteration of butter. U. S. v. 8 Cartons (504 pounds) * * * (F. D. C. No. 29005. Sample No. 56675-K.)

LIBEL FILED: October 21, 1949, Southern District of New York.

ALLEGED SHIPMENT: On or about October 5, 1949, by the Washington County Cooperative Creamery Co., from Linn, Kans.

PRODUCT: 8 63-pound cartons of butter at New York, N. Y. Analysis showed that the product was manufactured from decomposed cream.

LABEL, IN PART: "Butter Distributed by Breakstone Bros., Inc., N. Y."

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

DISPOSITION: February 7, 1950. Default decree of condemnation. The court ordered that the product be denatured and sold for purposes of fat salvage.

16118. Adulteration of butter. U. S. v. 10 Cases, etc. (F. D. C. No. 28547. Sample No. 54284-K.)

LIBEL FILED: November 2, 1949, Western District of Louisiana.

ALLEGED SHIPMENT: On or about October 16, 1949, by Wilson & Co., from Altus, Okla.

PRODUCT: Butter. 10 cases, each containing 32 1-pound rolls, and 31 cases, each containing 12 1-pound prints in quarters, at Shreveport, La.

LABEL, IN PART: "Ol-Fashund Roll Finest Creamery Butter" or "Wilson's Clearbrook Butter."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the roll butter consisted in whole or in part of a filthy animal substance and the print butter consisted in whole or in part of a decomposed animal substance. (A sample of the roll butter was found to contain insects, insect fragments, a rodent hair fragment, and a feather fragment; a sample of the print butter was found to contain mold.)

DISPOSITION: February 27, 1950. Default decree of condemnation and destruction.

16119. Adulteration of butter. U. S. v. 8 Packages (520 pounds) * * *
(F. D. C. No. 29006. Sample No. 64455-K.)

LIBEL FILED: December 28, 1949, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about December 22, 1949, by the Midwest Dairy Despatch, from Minneapolis, Minn.

PRODUCT: 8 65-pound packages of butter at Philadelphia, Pa.

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: January 11, 1950. C. W. Dunnet & Co., Philadelphia, Pa., having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for reworking, under the supervision of the Food and Drug Administration.

16120. Adulteration and misbranding of butter. U. S. v. 37 Boxes (2,516 pounds) * * * (F. D. C. No. 29007. Sample No. 75904-K.)

LIBEL FILED: On February 9, 1950, Southern District of New York.

ALLEGED SHIPMENT: On or about February 2, 1950, by the Strandquist Creamery, from Strandquist, Minn.

PRODUCT: 37 68-pound boxes of butter at New York, N. Y.

LABEL, IN PART: "Butter Distributed by Hunter, Walton & Co. 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.

Misbranding, Section 403 (a), the article was labeled butter, which was false and misleading since the article contained less than 80 percent milk fat.