

DAIRY PRODUCTS**BUTTER**

The following cases report actions involving butter that consisted in whole or in part of a filthy or decomposed substance, No. 16513; that was below the legal standard for milk fat content, Nos. 16513 and 16514; and that was short of the declared weight, No. 16515.

16513. Adulteration of butter. U. S. v. 332 Cartons (21,248 pounds) * * *.
(F. D. C. No. 29764. Sample No. 75774-K.)

LIBEL FILED: July 12, 1950, Northern District of Illinois.

ALLEGED SHIPMENT: On or about June 23, 1950, by the Parkston Creamery Co., from Parkston, S. Dak.

PRODUCT: 332 64-pound cartons of butter at Chicago, Ill.

LABEL, IN PART: (Carton) "Creamery Butter * * * L. D. Schreiber & Co. Inc. Sales Agent For The Marketing Association of America A Cooperative Distributors Chicago Illinois."

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, rodent hairs, and manure fragments; and, Section 402 (b) (2), (1 churn) a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: August 7, 1950. The Marketing Assn. of America, claimant, 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 conversion into inedible oil and grease, under the supervision of the Federal Security Agency.

16514. Adulteration of butter. U. S. v. William B. Pruitt (W. B. Pruitt Produce Co.). Plea of guilty. Fine, \$25. (F. D. C. No. 26772. Sample No. 41816-K.)

INFORMATION FILED: April 25, 1949, Eastern District of Oklahoma, against William B. Pruitt, trading as the W. B. Pruitt Produce Co., Muskogee, Okla.

ALLEGED SHIPMENT: On or about December 6, 1948, from the State of Oklahoma into the State of Illinois.

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: June 29, 1950. A plea of guilty having been entered, the defendant was fined \$25.

16515. Misbranding of butter. U. S. v. 3 Cases * * *. (F. D. C. No. 29762. Sample No. 72917-K.)

LIBEL FILED: July 12, 1950, Eastern District of Kentucky.

ALLEGED SHIPMENT: On or about July 6, 1950, by French-Bauer, Inc., from Cincinnati, Ohio.

PRODUCT: 3 50-pound cases of butter at Covington, Ky.

LABEL, IN PART: (Retail carton) "Quarters One Pound Net Weight Clover Blossom Brand Creamery Butter."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the package containing the article did not bear an accurate statement of the quantity of the contents since the statement "One Pound Net" was incorrect. (Analysis showed that the product was short of the declared weight.)

DISPOSITION: August 4, 1950. French-Bauer, Inc., claimant, having admitted the facts set forth in the libel, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency.

CHEESE

16516. Adulteration of goat cheese. U. S. v. George A. Dardanes. Plea of nolo contendere. Fine, \$600. (F. D. C. No. 29176. Sample Nos. 42949-K, 42950-K, 60451-K, 61459-K.)

INFORMATION FILED: May 22, 1950, District of Colorado, against George A. Dardanes, Trinidad, Colo.

ALLEGED SHIPMENT: On or about October 5 and 26 and November 30, 1949, from the State of Colorado into the States of Missouri and Illinois.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of fly egg capsules, fly eggs, feather barbules, rodent hairs, maggots, setae, manure, threads, carbon, hairs resembling cat or dog hairs, insect parts, and vegetable material.

DISPOSITION: July 6, 1950. A plea of nolo contendere having been entered, the court fined the defendant \$600.

16517. Misbranding of cream cheese and creamed cottage cheese. U. S. v. Sante Foods, Inc., and Joel Taub. Pleas of guilty. Corporation fined \$300. Individual defendant fined \$3.00; fine remitted. (F. D. C. No. 26697. Sample Nos. 8296-K, 8297-K, 9994-K, 11422-K, 11423-K.)

INFORMATION FILED: December 6, 1949, Southern District of New York, against Sante Foods, Inc., New York, N. Y., and Joel Taub, secretary.

ALLEGED SHIPMENT: On or about April 26 and December 13 and 16, 1948, from the State of New York into the States of New Jersey and Connecticut.

LABEL, IN PART: "Santé Creamed Cottage Cheese" and "Santé Cream Cheese."

NATURE OF CHARGE: Creamed cottage cheese. Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for creamed cottage cheese since it contained less than 4 percent by weight of milk fat and more than 80 percent of moisture.

Cream cheese. Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for cream cheese since it contained more than 55 percent of moisture, and, in addition, one shipment contained less than 33 percent of milk fat.

DISPOSITION: September 18, 1950. Pleas of guilty having been entered, the corporation was fined \$300 and the individual defendant \$3.00. The \$3.00 fine was remitted.