

DISPOSITION: October 17, 1947. Meadowlands Creameries, Inc., Chicago, Ill., 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 reworking under the supervision of the Food and Drug Administration.

17519. Adulteration of butter. U. S. v. 11 Cartons (704 pounds) * * *
(F. D. C. No. 31365. Sample No. 73393-H.)

LIBEL FILED: January 25, 1947, District of Minnesota.

ALLEGED SHIPMENT: On or about January 15, 1947, by the Farmers Union Creamery Assn., from Minot, N. Dak.

PRODUCT: 11 64-pound cartons of butter at St. Paul, Minn.

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: March 7, 1947. Farmers Union Creamery Assn., Minot, N. Dak., 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 reworking under the supervision of the Food and Drug Administration.

17520. Adulteration of butter. U. S. v. 15 Cubes (1,020 pounds) * * *
(F. D. C. No. 31372. Sample Nos. 28301-K, 28303-K.)

LIBEL FILED: September 18, 1947, District of Colorado.

ALLEGED SHIPMENT: On or about August 28, 1947, by Buster Produce, from Franklin, Nebr.

PRODUCT: 15 68-pound cubes of butter at Denver, Colo.

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 contained less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: October 10, 1947. The Beatrice Foods Co., a Delaware corporation, 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 reworking under the supervision of the Food and Drug Administration.

CHEESE

17521. Action to enjoin and restrain the interstate shipment of adulterated cheese, butter, and other dairy products. U. S. v. Bear Lake Valley Dairymen's Coop. Assn. Permanent injunction granted. (Inj. No. 150.)

COMPLAINT FILED: September 13, 1946, District of Idaho, against the Bear Lake Valley Dairymen's Coop. Assn., Paris, Idaho.

NATURE OF CHARGE: The complaint alleged that the defendant was receiving and accepting large amounts of milk that were unfit for human consumption; that inspections showed that 35% of the milk received on August 5, 1941, was unfit; that 76% of the milk received on August 19, 1941, was unfit; and that 18% of the milk received on July 18, 1943, was unfit; and, also, that the unfit milk was used to produce Swiss cheese and butter.

The complaint alleged further that the inspection of July 18, 1943, showed that butter and Swiss cheese were being prepared, packed, and held under insanitary conditions whereby they may have become contaminated with filth; that the exterior and interior of the plant was dirty; that outside whey tanks had overflowed and hundreds of flies were on the tank, its supports, and the surrounding ground; that whey from a dirty inside tank was separated and the cream therefrom was used in the manufacture of butter; that the can

washer was inadequate and washed cans had an accumulation of dirt and grease on the shoulders; that filled milk cans entering the plant were dirty with mud and manure and were not washed before dumping; that evidence of heavy mouse infestation was noted; that cockroaches, spiders, and other insects were observed, and a large number of flies were noted throughout the plant; that inspections of September 1943 and June and July 1946 showed the continuance of insanitary conditions; and that tests of milk on July 15, 16, 17, 18, and 19, 1946, showed that 20%, 12%, 33%, 19%, and 20%, respectively, of the milk tested was unfit for human consumption, but that all of the milk was used in the production of dairy products and food.

The complaint alleged further that during the time of the inspections, the defendant made regular shipments of Swiss cheese in interstate commerce; and that the defendant was continuing and threatening to continue to produce food under the conditions noted and to introduce such food into interstate commerce. The complaint prayed that a temporary restraining order issue, restraining the defendant from such practices, and that after due hearing, the permanent injunction issue.

DISPOSITION: On September 13, 1946, a temporary restraining order was entered, enjoining the defendant and all its agents, officers, and employees, during a period of ten days, from introducing into interstate commerce any food and food products, and, in particular, Swiss cheese, butter, and other dairy products, intended for human consumption, produced or in existence at the time in the defendant's plant at Paris, Idaho, which were adulterated because they consisted in whole or in part of filthy substances, or because they had been prepared, packed, and held under insanitary conditions whereby they may have become contaminated with filth. On September 19, 1946, a permanent injunction was entered containing similar provisions.

17522. Action to enjoin and restrain the interstate shipment of adulterated cheese and cheese products. U. S. v. Nelson Creamery Corp., Charles Braveman, and Wilson & Co. Consent decree for injunction. (Inj. No. 120.)

COMPLAINT FILED: On or about December 6, 1945, Northern District of New York, against the Nelson Creamery Corp., Cazenovia, N. Y., Charles Braveman, president, director, and sole owner of the capital stock of the corporation, and residing at Utica, N. Y., and Wilson & Co., a Delaware corporation, with its principal place of business at Chicago, Ill., and trading and doing business at Syracuse and Utica, N. Y.

NATURE OF CHARGE: That the defendants had been since on or about the month of December 1944, acting through their officers, agents, servants, and employees, introducing into interstate commerce, and causing the introduction and delivery for introduction into interstate commerce, of food and food products, particularly cheese and cheese products, which were adulterated within the meaning of Sections 402 (a) (3) and (4), in that they consisted in whole or in part of filthy substances and had been manufactured from milk unfit for food, and in that they had been prepared, packed, and held under insanitary conditions whereby they may have become contaminated with filth.

The complaint alleged further that irreparable injury may result to the public unless the defendants are restrained and enjoined, and prayed the entry of a preliminary and final injunction restraining the defendants and all persons acting in concert with them from the commission of the acts complained of.