

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.

DISPOSITION: On January 18, 1946, the defendants having consented thereto, a decree was entered enjoining the defendants, their agents, servants, employees, and all persons in active concert with them from introducing or delivering for introduction into interstate commerce adulterated cheese, cheese products, and any other products manufactured, produced, or prepared at the premises of the Nelson Creamery Corp.

It was ordered further that the Nelson Creamery Corp. take the necessary steps to remedy the insanitary conditions in its plant and make certain specified repairs; thoroughly clean the plant and equipment; test milk as frequently as necessary and reject all dirty milk; make the plant as nearly rodent proof as possible; clean up the pond or marsh in the vicinity of the sewer plant and render it ineffective as a breeding place for flies; store no decomposed or maggoty cheese on the premises; inspect all cheese from outside sources when received; and discard immediately any decomposed cheese.

17523. Action to enjoin and restrain the interstate shipment of adulterated cheese and cheese products. U. S. v. Arthur A. Mohr (Volney Cheese Factory). Injunction granted. (Inj. No. 133.)

COMPLAINT FILED: January 4, 1946, Northern District of Iowa, against Arthur A. Mohr, trading as the Volney Cheese Factory, Volney, Iowa.

NATURE OF CHARGE: That the defendant, from on or about June 22, 1944, to the time of filing the complaint, had been shipping in interstate commerce from Volney, Iowa, cheese and cheese products which were adulterated within the meaning of Section 402 (a) (3), in that the products consisted in whole or in part of filthy substances; and, Section 402 (a) (4), in that the products had been prepared, packed, and held under insanitary conditions.

The complaint alleged further that the defendant had been warned to remedy the existing defects and his method of preparing and processing milk, cheese, and cheese products; and, in addition, that he had been warned not to ship these products so adulterated in interstate commerce, but that the warnings had been ignored and that the defendant would continue to ship adulterated cheese and cheese products unless enjoined from so doing.

The complaint prayed that a preliminary injunction be granted pending the hearing for a permanent injunction and that, upon hearing, the preliminary injunction be made permanent.

DISPOSITION: On February 8, 1946, the action having come on for hearing, the defendant was adjudged in default for failure to file any pleading whatsoever. Thereupon the court issued an order which enjoined and restrained the defendant for a period of 6 months from shipping, causing to be shipped, or introducing for shipment, in interstate commerce, cheese or any other milk products made, processed, or manufactured by the defendant at his cheese factory and plant at Volney, Iowa.

17524. Action to enjoin and restrain the interstate shipment of adulterated cheese and cheese products. U.S. v. Clarence P. Manders (Dubuque Cheese Factory). Decree entered enjoining and restraining defendant from shipping cheese or other milk products in interstate commerce for a period of 90 days, at expiration of which time action dismissed. (Inj. No. 134.)

COMPLAINT FILED: January 10, 1946, against Clarence P. Manders, trading as the Dubuque Cheese Factory, Dubuque, Iowa.

NATURE OF CHARGE: That the defendant, from on or about June 20, 1945, to the time of filing the complaint, had been receiving, preparing and processing