

LABEL, IN PART: (Carton) "Garlic," "Tomato," "Onion," "Cheese," or "Fish."

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 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: December 17, 1951. Default decree of condemnation and destruction.

DAIRY PRODUCTS

BUTTER

18457. Adulteration of butter. U. S. v. 491 Boxes, etc. (61,184 pounds, total).
(F. D. C. No. 32250. Sample Nos. 944-L, 1655-L.)

LIBEL FILED: November 1, 1951, Western District of North Carolina.

ALLEGED SHIPMENT: On or about September 5 and 20, 1951, by the Sunflower Coop. Creamery Assn., from Everest, Kans.

PRODUCT: 956 64-pound boxes of butter at Charlotte, N. C.

LABEL, IN PART: "Butter * * * Western Dairy Products Inc. Distributors."

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: November 26, 1951. The Sunflower Coop. Creamery Assn., 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 Federal Security Agency.

On December 3, 1951, the judgment was amended to provide that certain boxes of the product which had been found to contain 80 percent or more of milk fat should be released to the claimant at Charlotte, N. C.; and that the boxes of the product which were found to contain less than 80 percent of milk fat should be released to the claimant to be shipped to its plant at Everest, Kans., for reworking under the terms of the judgment originally entered. Pursuant to the terms of the judgment, as amended, 316 of the 782 boxes of the product seized were released to the claimant on the basis of examinations showing that the product in such boxes contained the proper amount of milk fat; and the remaining 466 boxes were returned to the claimant at Everest, Kans., for reworking.

18458. Adulteration and misbranding of butter. U. S. v. 3 Cubes (192 pounds)
* * *. (F. D. C. No. 32159. Sample No. 23938-L.)

LIBEL FILED: December 4, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about October 3, 1951, by August Food Products, Inc., from Newark, N. J.

PRODUCT: 3 64-pound cubes of butter at New York, N. Y.

LABEL, IN PART: "Highest Hanfords Unsalted Butter" or "Tiger Bulk Butter."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), colored oleomargarine had been substituted in whole or in part for butter.

Misbranding, Section 403 (a), the label designation "Butter" was false and misleading since the product was colored oleomargarine.

DISPOSITION: December 10, 1951. Default decree of condemnation. The court ordered that samples of the product be delivered to the Food and Drug Administration, and that the remainder be destroyed.

CHEESE

18459. Adulteration of process cheese. U. S. v. 60 Cases * * *. (F. D. C. No. 32206. Sample No. 37210-L.)

LABEL FILED: November 30, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about January 30, 1950, from Helsinki, Finland.

PRODUCT: 60 cases, each case containing 72 6-ounce cartons, of process cheese at New York, N. Y.

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 mites. The product was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: December 20, 1951. Default decree of condemnation and destruction.

18460. Adulteration and misbranding of process cheese. U. S. v. 252 Packages * * *. (F. D. C. No. 32524. Sample No. 16464-L.)

LABEL FILED: On or about February 19, 1952, Western District of Missouri.

ALLEGED SHIPMENT: On or about December 21, 1951, from Green Bay, Wis.

PRODUCT: 252 ½-pound packages of process cheese at Kansas City, Mo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the product contained an added poisonous and deleterious substance, dehydroacetic acid, which is unsafe within the meaning of the law since it is a substance not required in the production of the food and can be avoided by good manufacturing practice.

Misbranding, Section 403 (g) (1), the product purported to be and was represented as "Pasteurized Process Swiss Blended With American Cheese," a food for which a definition and standard of identity has been prescribed by regulations, and it failed to conform to the standard since it contained dehydroacetic acid, which is not a permitted ingredient.

The product was adulterated and misbranded while held for sale after shipment in interstate commerce. (The product was sliced and then wrapped with dehydroacetic acid-treated wrappers, and examination disclosed that it contained dehydroacetic acid.)

DISPOSITION: May 8, 1952. Default decree of destruction.

FISH AND SHELLFISH

18461. Adulteration of frozen red snappers. U. S. v. 808 Pounds * * *. (F. D. C. No. 32232. Sample No. 23236-L.)

LABEL FILED: On or about December 14, 1951. Southern District of New York.

ALLEGED SHIPMENT: On or about November 3, 1951, by J. D. Holmes, from Panama City, Fla.