

MISCELLANEOUS CEREAL*

18867. Adulteration of buckwheat groats. U. S. v. 30 Bags * * *. (F. D. C. No. 32228. Sample No. 23948-L.)

LABEL FILED: December 10, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about October 4, 1951, from Chicago, Ill.

PRODUCT: 30 100-pound bags of buckwheat groats at New York, N. Y.

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 insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: January 14, 1952. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as hog feed.

DAIRY PRODUCTS**BUTTER**

18868. Adulteration of butter. U. S. v. Loren C. Ellis (Paola Butter Co.). Plea of guilty. Fine of \$400, plus costs. (F. D. C. No. 32791. Sample Nos. 9439-L, 33067-L to 33070-L, incl.)

INFORMATION FILED: July 22, 1952, District of Kansas, against Loren C. Ellis, trading as the Paola Butter Co., Paola, Kans.

ALLEGED SHIPMENT: On or about September 19 and October 3, 1951, from the State of Kansas into the State of Illinois.

LABEL, IN PART: "Armour Cloverbloom Butter [or "Spring Brook Brand"] Armour Creameries Chicago, Ill."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: October 9, 1952. A plea of guilty having been entered, the court fined the defendant \$400, plus costs.

18869. Adulteration of butter. U. S. v. Kyle Creamery Assn. and Clarence Cleeter. Pleas of guilty. Total fine of \$250, plus costs. (F. D. C. No. 31561. Sample Nos. 11308-L to 11310-L, incl., 11348-L to 11350-L, incl., 12220-L to 12223-L, incl.)

INFORMATION FILED: December 20, 1951, Southern District of Indiana, against the Kyle Creamery Assn., a corporation, Aurora, Ind., and Clarence Cleeter, president and manager.

ALLEGED SHIPMENT: Between the approximate dates of June 19 and August 6, 1951, from the State of Indiana into the State of Ohio.

LABEL, IN PART: (Wrapper) "Creamery Butter J. T. Ruther & Sons Cincinnati, Ohio Distributors," "Meyer & Ruther Dairy Butter," or "Our Premier."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of insect, fly, and manure fragments, rodent hairs, feather fragments, and ants, and, in addition, 2 shipments consisted in part of a decomposed substance since the product was made from

*See also No. 18866.

decomposed cream; and, Section 402 (a) (4), the product had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 18, 1952. Pleas of guilty having been entered, the court fined each defendant \$125, plus costs.

CHEESE

18870. Adulteration and misbranding of process cheese. U. S. v. 40 Cartons, etc. (and 1 other seizure action). (F. D. C. Nos. 32521, 32522. Sample Nos. 13786-L, 13787-L, 13789-L.)

LABELS FILED: February 15, 1952, Northern District of California.

ALLEGED SHIPMENT: On or about January 25, 1952, by the Challenge Cream & Butter Assn., from Pocatello, Idaho.

PRODUCT: Process cheese. 80 cartons, each containing 48 ½-pound packages, at San Francisco, Calif., and 105 cartons, each containing 48 ½-pound packages, at Berkeley, Calif.

LABEL, IN PART: "Challenge Pasteurized Process American Cheese [or "Pimento Cheese" or "Swiss and Cheddar Cheese"]."

NATURE OF CHARGE: Adulteration, Section 402 (a) (2), the articles contained an added poisonous and deleterious substance, dehydroacetic acid, which is unsafe within the meaning of Section 406 since it is a substance not required in the production of the articles and can be avoided by good manufacturing practice.

Misbranding, Section 403 (g) (1), the articles purported to be and were represented as cheeses for which definitions and standards of identity have been prescribed by the regulations, and they failed to conform to such definitions and standards since they contained dehydroacetic acid, which is not permitted as an ingredient by the regulations.

DISPOSITION: August 14, 1952. Default decrees of condemnation and destruction.

MISCELLANEOUS DAIRY PRODUCT

18871. Adulteration and misbranding of nonfat dry milk solids. U. S. v. 14 Drums * * *. (F. D. C. No. 32871. Sample No. 34606-L.)

LABEL FILED: March 12, 1952, Eastern District of Illinois.

ALLEGED SHIPMENT: On or about February 5, 1952, by the Pevely Dairy Co., from St. Louis, Mo.

PRODUCT: 14 200-pound drums of nonfat dry milk solids at East St. Louis, Ill.

LABEL, IN PART: "Pevely Roller Process Super Test Non-fat Dry Milk Solids."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), an article prepared from sour milk had been substituted in whole or in part for nonfat dry milk solids.

Misbranding, Section 403 (a), the label statement "Non-fat Dry Milk Solids" was false and misleading as applied to the article, which was prepared from sour milk.

DISPOSITION: May 21, 1952. Default decree of condemnation. The court ordered that the product be sold for use other than for human consumption. The product subsequently was sold for use as animal feed.