

**ALLEGED SHIPMENT:** On or about September 5, 1952, by Randolph & Co., from Guthrie Center, Iowa.

**PRODUCT:** 187 64-pound boxes of butter at New York, N. Y. Examination showed that the product contained insect fragments, manure fragments, mites, and a rodent hair fragment.

**LABEL, IN PART:** "Butter Breakstone Bros., Inc., Distributors New York."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy, putrid, or decomposed substance; and, Section 402 (a) (4), the article had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** April 28, 1953. Randolph & Co. having appeared as claimant and having subsequently withdrawn its claim, judgment of condemnation was entered and the court ordered that the product be sold for use in the manufacture of fats but not for human consumption.

### CHEESE

19663. Adulteration and misbranding of creamed cottage cheese. U. S. v. Arkansas City Co-Op Milk Association, Inc., and Carl W. Fitzgerald. Pleas of nolo contendere. Each defendant fined \$100 and costs. (F. D. C. No. 33828. Sample Nos. 43931-L to 43934-L, incl.)

**INFORMATION FILED:** February 10, 1953, District of Kansas, against Arkansas City Co-Op Milk Association, Inc., Arkansas City, Kans., and Carl W. Fitzgerald, manager.

**ALLEGED SHIPMENT:** On or about May 20 and 21, 1952, from the State of Kansas into the State of Oklahoma.

**LABEL, IN PART:** "Meadow Lane Pasteurized Creamed Cottage Cheese."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product containing less than 4 percent of milk fat had been substituted for 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 of milk fat.

**DISPOSITION:** February 27, 1953. Pleas of nolo contendere having been entered, the court fined each defendant \$100 and costs.

19664. Adulteration and misbranding of cheddar cheese. U. S. v. 198 Boxes \* \* \*. (F. D. C. No. 33312. Sample No. 43941-L.)

**LIBEL FILED:** July 1, 1952, District of Arizona.

**ALLEGED SHIPMENT:** On or about May 23, 1952, by Harlan Dairy Products, Inc., from Eureka, Kans.

**PRODUCT:** 198 boxes, each containing 53 pounds, of cheddar cheese at Phoenix, Ariz.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product containing excessive moisture and which was deficient in milk fat had been substituted in whole or in part for cheddar cheese.

Misbranding, Section 403 (e) (1), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; and, Section 403 (g) (1), the article failed to conform to the definition

and standard of identity for pasteurized cheddar cheese since it contained more than 39 percent of moisture and less than 50 percent of milk fat.

**DISPOSITION:** July 14, 1952. M. S. Coursen, trading as Prairie Kist Foods, Dallas, Tex., having appeared as claimant, judgment of condemnation was entered and the court ordered that the product be released under bond for manufacture into legal processed cheese, under the supervision of the Federal Security Agency.

### EGGS

**19665. Adulteration of frozen eggs. U. S. v. 814 Cans \* \* \*. (F. D. C. No. 33001. Sample No. 9666-L.)**

**LIBEL FILED:** April 4, 1952, Northern District of Illinois; amended libel filed November 24, 1952.

**ALLEGED SHIPMENT:** On or about March 3, 1952, by Dick's Produce Co., from Colfax, Iowa.

**PRODUCT:** 814 30-pound cans of frozen eggs at Chicago, Ill.

**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 added egg whites salvaged by a process which contaminated them with manure and dirt from shells.

**DISPOSITION:** M. R. Hammer, receiver for Dick's Produce Co., appeared as claimant and filed an answer denying that the product was adulterated as alleged in the libel. Thereafter, upon motion of the claimant, an order was entered on October 6, 1952, directing that the Food and Drug Administration furnish to the claimant copies of all reports relating to inspections, examinations, and laboratory and chemical tests made with respect to the product involved in the libel.

On November 24, 1952, an order was entered dismissing the action as to all portions of the product except that bearing code No. 059, and an amended libel was filed against 190 cans of eggs comprising that code. On February 11, 1953, the claimant having consented to the entry of a decree against the 179 cans of the product actually seized under the amended libel, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation and destruction of the unfit portion.

As a result of the segregation operations, 151 cans of the product were found to be good and were released to the claimant and 28 cans were found unfit and were destroyed.

**19666. Adulteration of frozen eggs. U. S. v. 426 Cans, etc. (F. D. C. No. 33590. Sample Nos. 49171-L, 49172-L.)**

**LIBEL FILED:** September 10, 1952, Eastern District of New York.

**ALLEGED SHIPMENT:** On or about August 13, 1952, by the Pollman Egg Co., from Kansas City, Mo.

**PRODUCT:** 526 30-pound cans of frozen eggs at Brooklyn, 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 chicken excrement.

**DISPOSITION:** April 21, 1953. Consent decree of condemnation and destruction.