

DISPOSITION: May 20, 1953. Pleas of guilty having been entered, the court fined the corporation \$500 and the individual \$50.

20264. Adulteration of butter. U. S. v. Holden Creamery Co. Plea of guilty.
Fine of \$500 on count 1; count 2 of information dismissed. (F. D. C. No. 34348. Sample Nos. 14927-L, 14928-L, 44114-L, 44115-L.)

INFORMATION FILED: April 21, 1953, Western District of Missouri, against the Holden Creamery Co., a corporation, Holden, Mo.

ALLEGED SHIPMENT: On or about July 23 and August 8, 1952, from the State of Missouri into the State of Kansas.

LABEL, IN PART: (Some wrappers) "Wilson's Clearbrook Creamery Butter One Quarter Pound Net Weight Wilson & Co., Inc. Distributors" and "1 Lb. Net Weight Clearbrook finest creamery Butter Ol' Fashund Roll Wilson & Co., Inc. Distributors."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insects, insect parts, rodent hairs, cat hairs, larvae fragments, feather barbules, and manure; and, Section 402 (a) (4), the article had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 1, 1953. The defendant having entered a plea of guilty, the court fined it \$500 on count 1 of the information and suspended sentence on count 2 for 60 days pending a reinspection. On June 8, 1953, following the receipt of a report that a complete investigation had been made of the defendant's plant on June 1, 1953, and that the operation of the plant had been found satisfactory to inspectors of the Department of Health, Education, and Welfare, the court ordered that count 2 of the information be dismissed.

CHEESE

20265. Adulteration of cheddar cheese. U. S. v. Perryville Cheese Co., Inc. Plea of guilty. Fine, \$500. (F. D. C. No. 33837. Sample No. 53127-L.)

INFORMATION FILED: March 27, 1953, Eastern District of Missouri, against Perryville Cheese Co., Inc., Perryville, Mo.

ALLEGED SHIPMENT: On or about September 12, 1951, the defendant gave to a firm engaged in the business of shipping cheese in interstate commerce a guaranty to the effect that cheese shipped or sold by it under the guaranty would not be adulterated. On or about June 26, 1952, the defendant caused to be shipped to the holder of the guaranty, at Clinton, Mo., a quantity of cheddar cheese which was adulterated.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of small insects, fly setae, manure fragments, insect fragments, dermestid larva hairs, cow hairs, and rodent hair fragments, and by reason of the use of filth-contaminated milk in the preparation of the article.

DISPOSITION: April 13, 1953. A plea of guilty having been entered by the defendant, the court fined it \$500.

FISH AND SHELLFISH

20266. Misbranding of canned mackerel. U. S. v. 99 Cases * * *. (F. D. C. No. 34630. Sample No. 44448-L.)

LABEL FILED: January 26, 1953, District of Massachusetts.

ALLEGED SHIPMENT: On or about December 1, 1952, by Sun-Pacific, Inc., from San Francisco, Calif.

PRODUCT: 99 cases, each containing 48 15-ounce cans, of mackerel at Somerville, Mass.

LABEL, IN PART: (Can) "Sultana Brand Mackerel."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Mackerel" and the vignette which appeared on the label depicting Pacific mackerel were false and misleading since the product was horse mackerel; and, Section 403 (i) (1), the label failed to bear the common or usual name of the food.

DISPOSITION: April 21, 1953. The Franco-Italian Packing Co., Terminal Island, Calif., 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 to be relabeled under the supervision of the Department of Health, Education, and Welfare.

20267. Misbranding of canned salmon. U. S. v. 6 Cases * * *. (F. D. C. No. 34558. Sample No. 64213-L.)

LIBEL FILED: On or about January 27, 1953, Western District of Washington.

ALLEGED SHIPMENT: On or about September 5, 1952, from Sitka, Alaska.

PRODUCT: 6 cases, each containing 48 7 $\frac{1}{4}$ -ounce cans, of salmon at Seattle, Wash.

RESULTS OF INVESTIGATION: The product was shipped unlabeled and was labeled at Seattle, Wash. Examination showed that the product was Alaska sockeye salmon and not Quinault blueback salmon.

LABEL, IN PART: (Can) "Bud Linsley's Quinault Blueback Salmon."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Quinault Blueback Salmon" was false and misleading as applied to salmon other than blueback salmon caught in the Quinault River. The article was misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: May 18, 1953. Default decree of destruction. The court ordered that the product be delivered to a Federal institution.

20268. Misbranding of canned sardines. U. S. v. 70 Cases * * *. (F. D. C. No. 34597. Sample No. 2522-L.)

LIBEL FILED: January 13, 1953, Eastern District of South Carolina.

ALLEGED SHIPMENT: On or about November 14, 1952, by the Riviera Packing Co., from Eastport, Maine.

PRODUCT: 70 cases, each containing 48 15-ounce cans, of sardines at Charleston, S. C. Examination showed that the article was a mixture of mature and immature sea herring.

LABEL, IN PART: (Can) "Sunny Island Sardines * * * Distributors Roxbury Sales Co., Inc. New York and San Francisco, Cal."

NATURE OF CHARGE: Misbranding, Section 403 (a), the picture of a tropical island and of a California sardine, the San Francisco address, and the designation "Sardines," which appeared on the can label, were false and misleading as applied to the product, which contained mature and immature sea herring packed in Maine; and, Section 403 (b), the product was offered for sale under the name of another food, namely, sardines.

DISPOSITION: May 23, 1953. The shipper, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court