

**CHARGE:** 402(b) (2)—when shipped, purple pellets, consisting chiefly of sugar, gum acacia, citric acid, starch, artificial color, artificial flavor, and blueberry pulp, had been substituted in whole or in part for blueberries; 402(b) (4)—purple pellets, consisting chiefly of sugar, gum acacia, citric acid, starch, artificial color, artificial flavor, and blueberry pulp, had been added to the article, or mixed or packed therewith, so as to make it appear better or of greater value than it was; and 403(a)—the label statements “Blueberry Pancake Mix \* \* \* Blueberry French Pancakes \* \* \* Blueberry Muffins \* \* \* Stabilized Blueberries \* \* \*,” and vignette displaying pancakes appearing to contain blueberries, were false and misleading.

**DISPOSITION:** 6-26-59. The Duff Baking Mix Corp., 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 brought into compliance with the law. Following the release of the product to the claimant the product was destroyed.

## DAIRY PRODUCTS

### BUTTER

**26417. Butter.** (F.D.C. No. 43507. S. Nos. 75-568 P, 78-899 P, 78-900 P.)

**QUANTITY:** 550 cases, 32 1-lb. boxes each, at Cleveland, Ohio.

**SHIPPED:** 9-3-59, from Chicago, Ill., by Berkshire Foods, Inc.

**LABEL IN PART:** “Fairmont Better Brand Butter \* \* \* Fairmont Foods Company Distributors—General Offices, Omaha, Nebraska,” or “Sweet Clover Brand Butter \* \* \* Packed by Fairmont Foods Company, General Offices, Omaha, Neb.”

**RESULTS OF INVESTIGATION:** Examination showed that the article was made from decomposed cream.

**LIBELED:** 9-11-59, N. Dist. Ohio.

**CHARGE:** 402(a) (3)—contained a decomposed substance when shipped.

**DISPOSITION:** 9-11-59. Consent—claimed by Berkshire Foods, Inc., and converted into butter oil.

### CHEESE

**26418. Cheddar cheese.** (F.D.C. No. 44379. S. Nos. 97-270/1 P, 97-276 P.)

**QUANTITY:** 758 ctns., 12 1½-lb. horns each, and 158 ctns., 4 horns each, at Chicago, Ill.

**SHIPPED:** Between 1-18-60 and 2-4-60, from Marathon, Wis., by Marathon Cheese Co., Inc.

**LABEL IN PART:** “4 Longhorn 9231 Made From Pasteurized Milk Wisconsin State Brand 111 Cheddar Cheese Wisconsin Jan. 11, 1960 (or other dates) Net Wt. 55¾,” and “Wisconsin State Brand 111 Midget Longhorn Style Cheddar Cheese Made from Pasteurized Milk Kraft Foods Division.”

**RESULTS OF INVESTIGATION:** Examination showed that the article failed to meet the definition and standard of identity for cheddar cheese since the milk used was not pasteurized, and the cheese so made had not been cured at a temperature of 35 degrees fahrenheit for a period of 60 days.

**LIBELED:** 3-21-60, N. Dist. Ill.

**CHARGE:** 403(a)—when shipped, the label statement "Made from pasteurized milk" was false and misleading; and 403(g) (1)—the article failed to conform to the definition and standard of identity for cheddar cheese.

**DISPOSITION:** 4-14-60. Consent—claimed by Marathon Cheese Co., Inc., and relabeled.

## EGGS

**26419. Frozen eggs.** (F.D.C. No. 44425. S. No. 32-521 R.)

**QUANTITY:** 25 30-lb. cans at Brooklyn, N.Y.

**SHIPPED:** The article was shipped in the form of shell eggs from Clinton, N.J., between 12-29-59 and 1-7-60.

**LIBELED:** 4-14-60, E. Dist. N.Y.

**CHARGE:** 402(a) (3)—contained decomposed eggs while held for sale.

**DISPOSITION:** 5-11-60. Default—destruction.

**26420. Frozen eggs.** (F.D.C. No. 43217. S. No. 32-201 P.)

**INFORMATION FILED:** 9-18-59, S. Dist. Fla., against Dexter Bishop Co., Inc., t/a Arthur Redmond Co., Miami, Fla., and Arthur Redmond, plant manager.

**SHIPPED:** 9-27-58, from Florida to New York.

**LABEL IN PART:** (Can) "30 Lbs. Net K I R T E X Whole Eggs, Yolks, Stabilizing Syrup Maltose, Dextrine Dextrose and Water \* \* \* ARTHUR REDMOND COMPANY Div of Dexter Bishop Co. Inc. New York, N.Y."

**CHARGE:** 402(a) (3)—contained decomposed eggs.

**DISPOSITION:** A motion for a Bill of Particulars was filed by the defendants and was in part allowed by the court. Thereafter, the defendants entered pleas of guilty and on 3-14-60, the court fined the corporation \$1,000 and the individual \$500.

**26421. Incubator reject eggs.** (F.D.C. No. 44368. S. No. 20-404 R.)

**QUANTITY:** 1 truckload in transit near Middlebury, Ind.

**SHIPPED:** On or about 3-7-60, from Zeeland, Mich., by Elmer Vanderkolk.

**LIBELED:** 3-7-60, N. Dist. Ind.

**CHARGE:** 402(a) (3)—contained decomposed eggs and was otherwise unfit for food when shipped.

**DISPOSITION:** 4-20-60. Default—destruction.

## FRUITS AND VEGETABLES

### CANNED FRUIT

**26422. Jellied cranberry sauce.** (F.D.C. No. 44019. S. Nos. 72-263 P, 72-268 P.)

**QUANTITY:** 20 cases, 24 1-lb. cans each, at Greensboro, N.C.

**SHIPPED:** 10-15-59, from Bridgeton, N.J., by Morris April Bros.

**LABEL IN PART:** (Case) "April Orchards Cranberry Sauce [or "Strained Cranberry Sauce"] Packed by Morris April Brothers, Bridgeton, New Jersey."

**LIBELED:** 1-5-60, M. Dist. N.C.

**CHARGE:** 402(a) (2)—when shipped, the article contained an added poisonous and deleterious substance, namely, aminotriazole, which is unsafe within the meaning of 406 since this substance is not required in the production of this food and can be avoided by good manufacturing practice.

**DISPOSITION:** 1-29-60. Default—destruction.