

28839. Butter. (F.D.C. No. 47647. S. No. 41-237 V.)

QUANTITY: 9 60-lb. ctns., at New York, N.Y.

SHIPPED: 2-21-63, from Worthington, Iowa, by Consolidated Shippers.

LABEL IN PART: "Creamery Butter."

LIBELED: 3-8-63, S. Dist. N.Y.

CHARGE: 402(b)(2)—when shipped, a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: 4-3-63. Consent—claimed by Frederick F. Lowenfels & Son, New York, N.Y., and reconditioned.

28840. Butter. (F.D.C. No. 47639. S. No. 74-551 T.)

QUANTITY: 26 50-lb. ctns. at Elmhurst, N.Y.

SHIPPED: 8-21-62, from Hagerstown, Md., by Potomac Creamery Co., Inc.

LIBELED: 8-29-62, E. Dist. N.Y.

CHARGE: 402(b)(2)—when shipped, a product containing less than 80 percent by weight of milk fat has been substituted for butter.

DISPOSITION: 5-9-63. Potomac Creamery Co., Inc., claimant, having consented to a decree for the purpose of settlement without admitting any issues of law and fact and on condition that such consent was limited to the libel action, judgment of condemnation was entered and the article was ordered released under bond for reworking.

CHEESE

28841. Parmesan cheese. (F.D.C. No. 48744. S. No. 50-811 V.)

QUANTITY: 9 cases, each containing 144 2½-oz. pkgs., at San Francisco, Calif., in possession of Monterey Cheese Co.

SHIPPED: 1-10-63 and 2-14-63, from Chicago, Ill.

RESULTS OF INVESTIGATION: The dealer's name and address and quantity of contents statement were inconspicuous due to being printed in very small type in ink of a color lacking sufficient contrast with the background color of the label.

LIBELED: 4-11-63, N. Dist. Calif.; amended libel 4-22-63.

CHARGE: 403(f)—while held for sale, the information required to appear on the label by 403(e)(1) and (2), namely, the name and address of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents, was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: 5-15-63. Default—delivered to a charitable organization.

28842. Swiss cheese. (F.D.C. No. 48386. S. No. 39-384 V.)

QUANTITY: 29 12-lb. blocks, 23 12 lb. boxes of Saran-packaged slices, and 7 12-lb. boxes of polyethylene-packaged slices, at Bronx, N.Y., in possession of Crystal Products, Inc.

SHIPPED: 9-19-62, from New London, Wis.

LABEL IN PART: (Pkg.) "Domestic Swiss * * * Daitch Quality Cheese Dist. by Daitch Crystal Dairies Inc., N.Y., N.Y."; and (pkg.) "Daitch Sliced-Natural