The article was labeled in part: "Butter L D Schreiber & Co., Inc. Distributors Chicago * * * Illinois * * * Net Wt. 60 Lbs."

On July 17, 1941, L. D. Schreiber & Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reprocessed under the supervision of the Food and Drug Administration, and not sold or otherwise disposed of in violation of the law.

2189. Adulteration and misbranding of butter. U. S. v. 14 Boxes, 13 Boxes, 11 Boxes, 16 Boxes, and 9 Boxes of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 5096. Sample No. 69545-E.)

On June 25, 1941, the United States attorney for the Southern District of New York filed a libel against 63 boxes, each containing approximately 60 pounds, of butter at New York, N. Y., alleging that the article had been shipped on or about June 3, 1941, by Walhalla Producers Creamery Co., Walhalla, N. Dak., from Duluth, Minn.; and charging that it was adulterated and misbranded. It was labeled in part: "Breakstone Bros. Inc. Distributors New York."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that it was labeled "Butter," which was false and misleading since it contained less than 80 percent milk fat.

On July 10, 1941, Walhalla Produce Co., Walhalla, N. Dak., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be reworked so that it comply with the law.

CHEESE

2190. Adulteration and misbranding of Colby cheese. U. S. v. 26 Boxes of Cheese. Default decree of condemnation and destruction. (F. D. C. No. 4481. Sample No. 42416-E.)

This product contained excessive moisture and was deficient in milk fat. It also failed to comply with certain labeling requirements of the law.

On June 7, 1941, the United States attorney for the Western District of Pennsylvania filed a libel against 26 boxes of cheese at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about May 5, 1941, by the Fisher Dairy & Cheese Co. from Wapakoneta, Ohio; and charging that it was adulterated and misbranded. The article was unlabeled except for batch numbers and weights, but was shipped in response to a purchase order for "Colby Long Horns."

It was alleged to be adulterated in that an article deficient in milk fat and containing excessive moisture had been substituted wholly or in part for Colby longhorn cheese, which it purported to be.

It was alleged to be misbranded in that it was in package form and failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; and in that it purported to be Colby cheese, a food for which a definition and standard of identity had been prescribed by regulations as provided by law, but it failed to conform to such definition and standard in that it contained more than 40 percent of moisture, and its solids contained less than 50 percent of milk fat. It was alleged to be misbranded further in that the label failed to bear the name of the food specified in the definition and standard.

On July 16, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2191. Adulteration and misbranding of process cheese. U. S. v. 39 Boxes and 20 Loaves of Process Cheese. Consent decree of condemnation. Product ordered distributed to charitable institutions. (F. D. C. No. 3798. Sample No. 56005-E.)

The packages of this product contained less than the declared weight. The product also contained excessive moisture.

On February 11, 1941, the United States attorney for the District of Connecticut filed a libel against 39 boxes each containing 5 pounds of process cheese, and 20 5-pound loaves of the same product which had been removed from the boxes, at Waterbury, Conn., alleging that the article had been shipped in interstate commerce on or about January 23, 1941, by Sunette Cheese Corporation from New York, N. Y.; and charging that it was adulterated and misbranded. The article in the boxes was labeled in part: "5 Lbs. Net Sunette Brand American Pasteurized Process Cheese."