4141. Adulteration of cream. U. S. v. 4 Cans of Cream. Consent decree of condemnation and destruction. (F. D. C. No. 8218. Sample No. 4005–F.)

On August 13, 1942, the United States attorney for the Southern District of Ohio filed a libel against 4 5-gallon cans of cream, at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce in various shipments by J. N. Cline, Chris W. Gosney, and Theodore Roseberry from Butler, Ky., and W. M. Sancen from Falmouth, Ky.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance or was otherwise unfit for food.

On August 25, 1942, the consignee having consented to the immediate destruction of the product, judgment was entered ordering that it be destroyed.

4142. Adulteration of cream. U. S. v. 2 10-gallon Cans of Cream. Consent decree of destruction. (F. D. C. No. 8523. Sample No. 15227–F.)

On September 21, 1942, the United States attorney for the District of Colorado filed a libel against 2 10-gallon cans of cream at Denver, Colo., alleging that the article had been shipped in interstate commerce on or about September 12, 1942, by the St. Francis Ex. (St. Francis Equity Exchange) from St. Francis, Kans.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On September 21, 1942, the consignee having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered ordering the immediate destruction of the product.

4143. Adulteration of evaporated milk. U. S. v. 88 Cases of Evaporated Milk. Consent decree of condemnation. Product ordered released under bond for salvaging good portion. (F. D. C. No. 8377. Sample Nos. 4766–F, 4767–F.)

On September 19, 1942, the United States attorney for the Southern District of Ohio filed a libel against 88 cases, each case containing 48 cans, of evaporated milk at Cincinnati, Ohio, which had been consigned on or about August 11, 1942, alleging that the article had been shipped in interstate commerce by the Columbus S. & T. Co. and the Pennsylvania Railroad Co. from Grand Rapids, Mich., and Crothersville, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance, namely, sour and curdled milk, and was otherwise unfit for food. The article was labeled in part: (Cans) "White House Evaporated Milk * * * The Great Atlantic & Pacific Tea Company, New York, N. Y. Manufacturer," or "Pet Irradiated—Evaporated Milk * * * Manufactured by Pet Milk Company Arcade Bldg., St. Louis, Mo."

On September 30, 1942, the Pennsylvania Railroad Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for salvaging the good portion under the supervision of the Food and Drug Administration.

4144. Misbranding of vegetable oleomargarine. U. S. v. 86 Cartons and 97 Cases of Vegetable Oleomargarine. Decree of condemnation. Portion of product ordered denatured and sold for technical purposes. Remainder ordered released under bond for reprinting and repackaging. (F. D. C. Nos. 7882, 8015. Sample Nos. 91963–E, 9208–F.)

On July 10 and 28, 1942, the United States attorneys for the Northern and Southern Districts of Alabama filed libels against 86 cartons of vegetable oleomargarine at Birmingham, Ala., and 97 cases of vegetable oleomargarine at Mobile, Ala., alleging that the article had been shipped in interstate commerce on or about June 1 and 19, 1942, by the Miami Margarine Co. from Cincinnati, Ohio, and charging that it was misbranded. It was labeled in part: (Retail carton) "Delmar Vegetable Oleomargarine," or "Nu-Maid Vegetable Oleomargarine."

The portion of the article located at Birmingham was alleged to be misbranded in that it purported to be and was represented as a food for which a definition and standard of identity had been prescribed by regulation promulgated pursuant to law, and it failed to conform to such definition and standard since it contained less than 80 percent of fat and such regulation requires that oleomargarine contain not less than 80 percent of fat. The portion located at Mobile was alleged to be misbranded in that the statement on the carton label, "1 Pound Net Weight," was false and misleading since the weight was less than that declared.