On October 31, 1942, the Golden Grain Creamery, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration.

CHEESE

Nos. 4355 to 4371 report legal actions involving cheese. Samples examined were found to be contaminated with one or more types of filth, such as rodent, cat or human hairs, insect fragments, wood and metal fragments, maggots, or mold.

4355. Adulteration of cheese. U. S. v. Frank Nevoso (La Marca Cheese Co.). Plea of nolo contendere. Sentenced to 6 months imprisonment. Sentence suspended and defendant placed on probation for 2 years. (F. D. C. No. 7691. Sample No. 89395–E.)

On October 16, 1942, the United States attorney for the Eastern District of Pennsylvania filed an information against Frank Nevoso, trading as La Marca Cheese Co., at Easton, Pa., alleging shipment on or about March 29, 1942, from the State of Pennsylvania into the State of New York, of a quantity of cheese that was adulterated in that it consisted in whole or in part of a filthy substance since it contained living and dead cheese mites and their excreta, larvae and pupae, and mold, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

On December 1, 1942, the defendant having entered a plea of nolo contendere, the court sentenced him to 6 months' imprisonment, but suspended the sentence and placed him on probation for a period of 2 years.

4356. Adulteration of cheese. U. S. v. 125 Cheeses. Tried to the court. Judgment of condemnation. Product ordered released under bond for denaturing and use as hog feed. (F. D. C. No. 6939. Sample No. 80369–E.)

On February 25, 1942, the United States attorney for the Middle District of Tennessee filed a libel against 125 cheeses at Nashville, Tenn., alleging that the article had been shipped in interstate commerce on or about January 22, 1942, by the Boaz Creamery from Boaz, Ala.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance and was otherwise unfit for food, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On April 22, 1942, the Shefford Cheese Co., of New York, N. Y., trading at Nashville, Tenn., filed a claim and answer neither denying nor admitting the allegations of the libel as to the filth contained in the article, but demanding strict proof and praying dismissal of the libel. On October 15, 1942, the case came on for hearing before the court and evidence was presented on behalf of the Government, but no evidence was presented by or on behalf of the claimant. On December 1, 1942, the court made findings of fact sustaining the allegations of the libel and ordering the product condemned and released under bond conditioned that it be denatured and disposed of as hog feed.

4357. Adulteration of Cheddar cheese. U. S. v. 42 Boxes of Cheddar Cheese. Default decree of condemnation. Product ordered sold for nonfood purposes. (F. D. C. No. 7782. Sample No. 86978–E.)

On June 19, 1942, the United States attorney for the Northern District of Illinois filed a libel against 42 boxes, each containing approximately 71 pounds, of Cheddar cheese at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about June 1, 1942, by Putnam County Cheese Producers from Roachdale, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On November 20, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered sold for the oils, fats, or grease it contained, their uses to be restricted to nonfood purposes.

4358. Adulteration of cheese. U. S. v. 24 Boxes of Cheese. Default decree of condemnation and destruction. (F. D. C. No. 8197. Sample No. 22407–F.)

On August 24, 1942, the United States attorney for the Western District of New York filed a libel against 24 20-pound cheeses at Alfred Station, N. Y., alleging that the article had been shipped in interstate commerce on or about August