Both products were alleged to be adulterated in that they consisted in whole or in part of filthy substances, and in that they had been prepared under insanitary conditions whereby they might have become contaminated with filth.

The cheese was alleged to be misbranded in that it purported to be Cheddar cheese, a food for which a definition and standard of identity had been prescribed by regulations as provided by law, but it did not conform to said definition and standard of identity since its solids contained less than 50 percent milk fat.

On January 16, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $500.

4577. Adulteration of grated cheese. U. S. v. M. Wildstein & Sons, Inc. (New Yorker Cheese Co.). Plea of nolo contendere. Fine, $400. (F. D. C. No. 8796. Sample Nos. 22402–F, 22522–F, 24345–F, 24470–F.)

On February 19, 1943, the United States attorney for the Eastern District of Pennsylvania filed an information against M. Wildstein & Sons, Inc., a corporation, registered under the fictitious name New Yorker Cheese Co., at Philadelphia, Pa., alleging shipment within the period from on or about June 3 to September 11, 1942, from the State of Pennsylvania into the States of New Jersey and Maryland of a quantity of grated cheese that 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. The article was labeled in part: "New Yorker Brand Italian Stayle Grated Cheese * * * New Yorker Cheese Co."

On March 10, 1943, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of $400.

4578. Adulteration of cheese. U. S. v. 59 Cases of Cheese. Consent decree of condemnation. Product ordered released under bond for salvage. (F. D. C. No. 8997. Sample No. 17785–F.)

On December 12, 1942, the United States attorney for the Southern District of New York filed a libel against 59 cases, each containing approximately 200 pounds, of cheese at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about October 19, 1942, by the Dionisio Cheese Mfg. Co., from Trinidad, Colo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On May 25, 1943, the J. Ossola Co. Inc., of New York, N. Y., claimant, having admitted the allegation of the libel, judgment of condemnation was entered and the product was ordered released under bond for salvaging the fat, under the supervision of the Food and Drug Administration, to be used in the manufacture of soap and glycerin, the nonfat residue to be disposed of for purposes other than human consumption.

4579. Adulteration of Cheddar cheese. U. S. v. 55 Boxes of Cheddar Cheese. Default decree of condemnation and destruction. (F. D. C. No. 8023. Sample Nos. 4704–F, 4705–F.)

On August 3, 1942, the United States attorney for the Southern District of Ohio filed a libel against 55 boxes of Cheddar cheese at Washington Court House, Ohio, which had been consigned on or about June 23 and 24, 1942, by the Tonica Milk Products Co., alleging that the article had been shipped in interstate commerce from Tonica and Flanagan, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was alleged to be adulterated further in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On January 7, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4580. Adulteration of cheese. U. S. v. 49 Cartons of Cheese. Default decree of condemnation and destruction. (F. D. C. No. 9054. Sample No. 4698–F.)

On December 22, 1942, the United States attorney for the Northern District of Ohio filed a libel against 49 cartons, each containing 2 loaves, of cheese at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about November 2, 1942, by McCadam Cheese Co., Inc., from Heuvelton, N. Y.; and charging that it was adulterated in that it consisted wholly 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 February 20, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.