

ALLEGED SHIPMENT: From on or about December 7, 1942, to January 26, 1944, from Los Angeles, Calif., New Orleans, La., St. Johns, N. Y., Bravo, Mich., and Cincinnati, Ohio.

PRODUCT: 1,056 cheeses and 771 cases of cheese in possession of the Ehrat Cheese Co., Inc., Chicago, Ill.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it might have become contaminated with filth.

This product was stored in a mite-infested room and samples examined contained mites.

DISPOSITION: May 25, 1944. Cases consolidated. The Ehrat Cheese Co., Inc., appeared as claimant and admitted allegations of the libels. The product was condemned and ordered released under bond for salvaging under the supervision of the Food and Drug Administration.

5860. Misbranding of grated cheese. U. S. v. 50 Cases of Cheese. Decree of condemnation. Product released under bond to be repackaged. (F. D. C. No. 10704. Sample No. 11526-F.)

LIBEL FILED: September 11, 1943, Northern District of California.

ALLEGED SHIPMENT: On or about July 10, 1943, from New York, N. Y., by Italian Importing.

PRODUCT: 50 cases, each containing 10 dozen cans, of cheese at San Francisco, Calif.

LABEL, IN PART: "Icco Brand Grated Argentine Parmesan Type Cheese * * * Packed by Icco Cheese Co. Inc. Brooklyn."

VIOLATION CHARGED: Misbranding, Section 403 (d), in that the container was so filled as to be misleading, since the cheese occupied only about 50 percent of the capacity of the can.

DISPOSITION: December 9, 1943. Claimant, Icco Cheese Company, Inc. A decree of condemnation was entered and the product was ordered released under bond, conditioned that it be sold in bulk but not for resale, under the supervision of the Food & Drug Administration.

MISCELLANEOUS DAIRY PRODUCTS

5861. Adulteration of dry milk solids. U. S. v. 57 Barrels of Dry Milk Solids. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 11131. Sample No. 41157-F.)

LIBEL FILED: On or about November 30, 1943, Northern District of Texas.

ALLEGED SHIPMENT: On or about July 14, 1943, by the Walgreen Co., Shelbyville, Ill.

PRODUCT: 57 200-pound barrels of dry milk solids at Dallas, Texas.

LABEL, IN PART: "Dry Milk Solids Vacuum Drum Process."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance, insects and insect fragments.

DISPOSITION: January 12, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution for charitable distribution and for use as animal feed, but not for sale or use for human consumption.

5862. Adulteration of oleomargarine. U. S. v. 2,192 Cartons and 57 Cartons of Oleomargarine. Decree of condemnation. Product ordered sold for uses other than human consumption. (F. D. C. No. 11132. Sample Nos. 4145-F, 4148-F.)

LIBEL FILED: November 16, 1943, Southern District of Ohio.

ALLEGED SHIPMENT: On or about May 10 and August 3, 1943, by the Shedd Products Co., Detroit, Mich.

PRODUCT: 2,249 1-pound cartons of oleomargarine at Cincinnati, Ohio.

LABEL, IN PART: "One Pound Net Mi Choice Vegetable Oleomargarine," or "One Pound Net New Kayko * * * The All Purpose Vegetable Oleomargarine."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance and was otherwise unfit for food since it was discolored, rancid, and moldy.

DISPOSITION: December 27, 1943. No claimant having appeared, a decree of condemnation was entered. The product was ordered sold to a rendering plant to be denatured so that it could not be used for human consumption.

EGGS AND EGG PRODUCTS

5863. Adulteration of dried whole egg. U. S. v. 2 Barrels of Dried Whole Egg. Default decree of condemnation. Product ordered delivered to a Federal correctional institution. (F. D. C. No. 11488. Sample No. 66196-F.)

LIBEL FILED: December 24, 1943, Southern District of New York.

ALLEGED SHIPMENT: On or about June 21 and July 6, 1943, by the Blue Sea Fish Co., Teaneck, N. J.

PRODUCT: 2 barrels of dried whole egg at Bronx, N. Y.

LABEL, IN PART: "Egg Grade A * * * Advance Foods Corp. Centerville, Ind.," or "Spray Whole Egg * * * Marshall Kirby & Co. Inc. Terre Haute, Ind."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments, vegetable fibers, pieces of wood, cinders, and dirt.

DISPOSITION: January 26, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. On February 8, 1944, an order was entered vacating the order of destruction and directing the delivery of the product to a Federal institution, for use as hog feed.

5864. Adulteration of frozen whole eggs. U. S. v. 45 Cartons of Frozen Whole Eggs. Consent decree of condemnation. Product ordered released for segregation of the fit portion from the unfit portion. (F. D. C. No. 11057. Sample No. 3928-F.)

LIBEL FILED: November 4, 1943, Western District of Missouri.

ALLEGED SHIPMENT: On or about September 11, 1943, by Rothenberg and Schneider Bros., Inc., Chicago, Ill.

PRODUCT: 45 30-pound cartons of frozen whole eggs at Kansas City, Mo.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: December 13, 1943. Rothenberg & Schneider Bros., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for segregation of the fit portion from the unfit, under the supervision of the Food and Drug Administration. The unfit portion was denatured.

5865. Adulteration of frozen whole eggs. U. S. v. 650 Cans and 550 Cans of Frozen Eggs. Decree of condemnation. Product ordered released under bond for segregation and destruction or denaturing of unfit portion. (F. D. C. No. 11214. Sample No. 56918-F.)

LIBEL FILED: December 2, 1943, Eastern District of New York.

ALLEGED SHIPMENT: On various dates from May to October, 1943, by Benjamin Rutstein (also known as I. B. Rutstein), Hoboken, N. J.

PRODUCT: 1,200 30-pound cans of frozen whole eggs at Brooklyn, N. Y.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: January 20, 1944. Herman Lerich, New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation and destruction or denaturing of the unfit portion, under the supervision of the Food and Drug Administration.

5866. Adulteration of frozen whole eggs. U. S. v. 409 Cans of Frozen Whole Eggs. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of unfit portion. (F. D. C. No. 10669. Sample No. 44684-F.)

LIBEL FILED: September 8, 1943, District of New Jersey.

ALLEGED SHIPMENT: On or about June 24, 1943, by the Ballas Egg Products Corporation, Zanesville, Ohio.

PRODUCT: 409 cans of frozen whole eggs at Jersey City, N. J.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance.