

**LABEL IN PART:** (Box) "Butter L. D. Schreiber & Co., Inc. Sales Agent For The Marketing Association of America A Cooperative Distributor Chicago, Illinois."

**LIBELED:** 10-2-64, Dist. Minn.

**CHARGE:** 402(b) (2)—when shipped, a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

**DISPOSITION:** 11-2-64. Consent—claimed by the Marketing Association of America, Chicago, Ill., for reworking.

**29735. Butter.** (F.D.C. No. 47655. S. Nos. 25-004/7 A.)

**QUANTITY:** 1,302 64-lb. boxes at Chicago, Ill.

**SHIPPED:** Between 1-23-64 and 2-1-64, from Arcadia, Wis., by Dairy Maid Products Cooperative.

**LABEL IN PART:** (Boxes) "Creamery Butter A & G Coop. Creamery."

**LIBELED:** 3-13-64, N. Dist. Ill.

**CHARGE:** 402(b) (2)—when shipped, a product containing less than 80 percent by weight of milk fat had been substituted for butter.

**DISPOSITION:** 4-14-64. Consent—claimed by Dairy Maid Products Cooperative and rechurned.

**29736. Butter.** (F.D.C. No. 50189. S. No. 26-530 A.)

**QUANTITY:** 81 64-lb. boxes at Chicago, Ill.

**SHIPPED:** 7-29-64, from Omaha, Nebr., by Burwell Butter Factory.

**LABEL IN PART:** (Box) "Butter Creamery Butter Berkshire Foods, Inc."

**LIBELED:** 8-12-64, N. Dist. Ill.

**CHARGE:** 402(b) (2)—when shipped, a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

**DISPOSITION:** 8-28-64. Consent—claimed by Berkshire Foods, Inc., for reworking.

### CHEESE

**29737. Cheddar cheese.** (Inj. 409.)

**COMPLAINT FOR INJUNCTION FILED:** 8-9-61. Dist. N. Dak., against Rugby Creamery Co., a corporation, Rugby, N. Dak., and Albert M. Nielsen, president.

**CHARGE:** The complaint alleged that the defendants had been and were then engaged in operating a cheese factory producing cheddar cheese; that the plant received an average of 25,000 pounds of raw milk daily which as received, was dumped into a scale tank, pumped through a cloth inline strainer onto a plate cooler, and from there to a 40,000-pound holding tank where it remained until the following morning; and after pasturization at 160° F. for 16 to 17 seconds the milk was pumped to the cheese vat for manufacturing; that all of the cheddar cheese manufactured at the plant was shipped to New Ulm, Minn.; and that the cheese was adulterated within the meaning of 402(a) (3) by reason of the use of dirty, contaminated milk in its preparation, when caused to be introduced and delivered for introduction into interstate commerce.

The complaint alleged further that during one inspection by Food and Drug inspectors, off-the-bottom sediment tests were made on 170 cans of milk, totalling 1,510 gallons representing 37.7 percent of the milk received from 92 percent of the firm's patrons; that all cans tested disclosed varying

degrees of filth in the form of manure, dirt, and insects; that approximately 25 percent of the milk received on the day of the inspection, namely, 129 cans totaling 1,000 gallons, was rejected by the firm as unfit; and that after approximately 30,000 pounds had passed through the cloth filter at the discharge into the holding tank, that filter was collected by the inspectors for examination in the laboratory, which revealed the presence of two housefly heads, whole insects, insect fragments, four rodent hairs, plant fragments, and some 175 to 200 manure fragments.

The complaint alleged further that during a second inspection, off-the-bottom sediment tests were made on 175 cans of milk, totalling 1,522 gallons, representing 30 percent of the milk received that day; that all the cans tested at that time disclosed varying degrees of filth and as a result of that test, a total of 82 cans or approximately 800 gallons were rejected by the firm; that the cloth filter between the scale tank and the vat was collected and examination in the laboratory showed 10 whole insects, 25 insect fragments, 5 rodent hair fragments, 10 cow hairs, 2,500 plant fragments and about 350 manure fragments. Despite the warnings from such inspections the complaint alleged that the firm failed to reject grossly contaminated milk.

**DISPOSITION:** On 8-9-61, a temporary restraining order was issued by the court which restrained and enjoined the defendants, their officers, agents, servants, employees, representatives and all other persons in active concert or participation with them or any of them from directly or indirectly introducing or causing to be introduced, and delivering or causing to be delivered for introduction into interstate commerce, in violation of the law, cheddar cheese, or any similar article of food, which was adulterated within the meaning of 402(a) (3), in that it consisted in part of a filthy substance or which has been manufactured from filth-contaminated, dirty, or otherwise unfit milk; and further, from directly or indirectly introducing or causing to be introduced and delivering or causing to be delivered for introduction into interstate commerce, in violation of the law, cheddar cheese, or any similar article of food, manufactured at defendants' cheese factory at Rugby, N. Dak., unless and until such measures are taken as will insure acceptance of clean milk, free of sediment and other foreign matter, and the rejection of other milk.

On 8-22-61, the defendants having consented, a decree of permanent injunction restraining the defendants as set forth in the temporary restraining order was entered.

On 5-15-64, the decree was dismissed and vacated.

**29738. Cheddar cheese.** (F.D.C. No. 50330. S. Nos. 744/47 A, 1-458/59 A, 4-149/50 A.)

**QUANTITY:** 378 boxes, each containing 4 10-lb. ctns., at Decatur, Ga.

**SHIPPED:** 4-21-64, from Houston, Miss., by Kraft Foods.

**LABEL IN PART:** (Box) "Kay Brand Mild Cheddar Cheese \* \* \* Kraft Foods Dist. Chicago 90, Ill."; and (ctn.) "Kay Brand Natural Cheddar Cheese \* \* \* Kraft."

**LIBELED:** 7-6-64, N. Dist. Ga.

**CHARGE:** 402(a) (2) (C)—when shipped, the article contained DDT, TDE, and DDE, food additives which were unsafe within the meaning of 409, since they and their use or intended use were not in conformity with a regulation or exemption.

**DISPOSITION:** 10-27-64. Default—destruction.