LIBELED: 3-3-65, Dist. Minn.

CHARGE: 402(a)(3)—contained decomposed cheese, and was unfit for food by reason of being discolored and having a smoke odor while in transit.

DISPOSITION: 3-16-65. Consent—claimed by Great Northern Railway Co., St. Paul, Minn. Segregated; approximately 22,300 lbs. destroyed of a total of 34,800 lbs. which were subjected to salvage operations.

30148. Cheddar cheese. (F.D.C. No. 50952. S. No. 27-742 B.)

QUANTITY: 1,255 40-lb. boxes at St. Paul, Minn.

SHIPPED: 1-15-65, from Melbourne, Iowa.

RESULTS OF INVESTIGATION: The article had originally been shipped from St. Paul, Minn.; and the train transporting the article had been wrecked at Melbourne, Iowa. The article had been damaged when the rail car in which it was being transported caught fire. The article was also subjected to water used to extinguish the fire.

LIBELED: 2-16-65, Dist. Minn.

CHARGE: 402(a)(3)—contained decomposed cheese, charred material and had a smoke odor while in transit.

DISPOSITION: 2-23-65. Consent—claimed by Chicago, Milwaukee, St. Paul & Pacific Railroad Co. Segregated; 257 boxes of cheese destroyed and the remainder reconditioned by recoopering.

MISCELLANEOUS DAIRY PRODUCT

30149. Instant dry milk product. (F.D.C. No. 51003. S. Nos. 10-681 B, 105-963 A.)

QUANTITY: 388 cases, each containing 24 7⅖-oz. ctns., each ctn. containing 2 packets, at Seattle, Wash.

SHIPPED: Between 9-11-64 and 10-24-64, from Loleta, Calif., by Foremost Dairies, Inc.

LABEL IN PART: (Ctn.) "Instant Dry Milk Product Makes 2 Quarts Foremost Milkman Brand Made With Cream * * * Foremost Dairies, Inc., Distributors, San Francisco, Calif. * * * Contains: Nonfat dry milk, dry cream, lecithin, preservatives * * * Fat 7%."

RESULTS OF INVESTIGATION: Examination showed that the article was a cream-colored, fine granular substance having the appearance and texture of a dry milk product and containing approximately 8.8 percent fat.

LIBELED: 2-2-65, W. Dist. Wash.

CHARGE: 402(b)(1)—when shipped, a valuable constituent, butterfat, had been in whole or in part omitted or abstracted from the article; 402(b)(2)—a partially skimmed milk powder prepared from nonfat dry milk, dry cream, lecithin and preservatives had been substituted in whole or in part for whole milk powder; and 403(a)—the label bore false and misleading statements, which represented and suggested, in the setting in which they were presented, that the article was a whole milk powder.

DISPOSITION: 4-26-65. Default—delivered to charitable institutions for use as a food product.