CHARGE: 402(a)(3)—when shipped, the article contained decomposed butter.

DISPOSITION: 9–26–60. Consent—claimed by Sugar Creek Creamery Co., a Division of National Dairy Products Corp., and converted into oil.

28550. Butter. (F.D.C. No. 47640. S. No. 74–091 T.)

QUANTITY: 20 60-lb. ctns., at New York, N.Y.

SHIPPED: 8–30–62, from Monticello, Iowa, by Consolidated Shippers, Worthington, Iowa.

LABEL IN PART: "It's Better With . . . Hotel Bar Butter Creamery Butter Keep Refrigerated."

LIBELED: 9–19–62, S. Dist. N.Y.

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

DISPOSITION: 10–2–62. Consent—claimed by Frederick F. Lowenfels & Son, New York, N.Y., and reworked.

28551. Butter. (F.D.C. No. 47642. S. No. 91–351 T.)

QUANTITY: 59 64-lb. ctns., at Sioux City, Iowa.

SHIPPED: 8–27–62, from Randolph, Nebr., by Randolph Creamery.

LABEL IN PART: "Creamery Butter Keep Refrigerated."

LIBELED: 9–14–62, N. Dist. Iowa.

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

DISPOSITION: 10–17–62. Consent—claimed by Randolph Creamery and converted into animal feed.

28552. Butter. (F.D.C. No. 47336. S. Nos. 10–034/7 T, 10–040 T.)

INFORMATION FILED: 8–14–62, W. Dist. Pa., against Bishoff Waynesburg Creamery Co., a corporation, Waynesburg, Pa., and Avery Bishoff, Jr., secretary-treasurer.

ALLEGED VIOLATIONS: On 2–15–61, the defendants caused to be given, to a firm engaged in the business of shipping butter into interstate commerce, a guaranty to the effect that no article shipped by the corporation under the guaranty would be adulterated. Between 11–1–61 and 11–16–61, the defendants caused quantities of an adulterated food, the labeling of which represented the food to be butter, to be shipped to the holder of the guaranty.

CHARGE: 402(b)(1)—a valuable constituent of the article, milk fat, had been in part omitted; and 402(b)(2)—a product which contained less than 80 percent by weight of milk fat was substituted for butter.

PLEA: Nolo contendere.

DISPOSITION: 12–28–62. Corporation—$2,500 fine, plus costs; individual—$5 fine.

CHEESE

28553. Grated American cheese products. (F.D.C. No. 46826. S. No. 34–326 T.)

QUANTITY: 8 cases, each containing 12 2-oz. boxes, at Minneapolis, Minn.

SHIPPED: 10–28–61, from Chicago, Ill., by Kraft Foods.

LABEL IN PART: (Box) "Kraft Grated American Cheese Product Sharp Cheddar Flavor 2 Ozs. Net Wt. * * * Kraft Foods * * * Div. National Dairy Products Corp."