CHARGE: 402(a)(4)—held under insanitary conditions while in interstate commerce.

DISPOSITION: 7–12–61. Consent—destruction.

28240. Ice cream topping. (F.D.C. No. 48083. S. No. 62–070 T.)

QUANTITY: 39 cases, each containing 12 jars, at South Gardiner, Maine.

SHIPPED: 6–13–62, from Salem, Mass., by Snow Crest Beverages, Inc.

LABEL IN PART: (Jar) "Snow Crest Pineapple Ice Cream Topping Large Economy Size * * * Mfd. By Snow Crest Bev. Inc. Salem, Mass. Net Wt. 14 Ozs."

RESULTS OF INVESTIGATION: Examination showed the article to be short weight.

LIBELED: 8–31–62, Dist. Maine.

CHARGE: 403(e)(2)—when shipped, the article failed to bear a label containing an accurate statement of the quantity of contents.

DISPOSITION: 9–18–62. Default—delivered to a charitable institution.

DAIRY PRODUCTS

BUTTER

28241. Butter. (F.D.C. No. 46681. S. Nos. 13–254/5 R, 58–936 R.)

INFORMATION FILED: 2–21–62, N. Dist. Ill., against Green Creamery, Inc., Chicago, Ill., and George H. Zentner, buttermaker.

ALLEGED VIOLATION: On 1–27–61 and 4–6–61, while quantities of butter were being held for sale after shipment in interstate commerce, the defendants caused the addition of water to the article which act resulted in the article being adulterated.

On 1–27–61, while a portion of the article was being held for sale after shipment in interstate commerce, the defendants caused such portion of the article to be packed in containers labeled in part: "FRESH VERIGOOD Brand Creamery BUTTER Salted 1-Lb., Net Weight," which act resulted in such portion being misbranded.

CHARGE: 402(b)(2)—while held for sale, water had been substituted in part for butter; 402(b)(4)—water had been added to the article and mixed and packed therewith so as to increase its bulk and weight and reduce its quality; and 403(e)(2)—the container of the "Verigood Brand" of the article bore the statement "1-Lb. Net Weight" which statement was inaccurate as applied to a product which contained less than 1 pound of the article.

PLEA: Guilty to 3 counts and nolo contendere to 1 count.

DISPOSITION: 4–30–62. Each defendant—$100 fine, plus costs.

CHEESE

28242. Cottage cheese. (F.D.C. No. 47625. S. No. 23–922 T.)

QUANTITY: 670 16-oz. ctns. at El Paso, Tex., in possession of Price's Creameries, Inc.

SHIPPED: 5–9–62, from Portales, N. Mex.

LABEL IN PART: (Ctn. lid) "Net Wt. 16 Oz. Meadow Gold Slim Cheez * * * Cottage Cheese Lower in Calories Small Curd Uncreamed Low-Calorie Cottage Cheese."