

8013. Adulteration of Toscano cheese. U. S. v. 400 Loaves of Toscano Cheese. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13723. Sample No. 86610-F.)

LIBEL FILED: September 28, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: On or about July 5, 1944, by the Bravo Cheese Factory, from Pullman, Mich.

PRODUCT: 400 18-pound loaves of Toscano cheese at Chicago, Ill.

VIOLATIONS 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 excreta, rodent hairs, mites, and insect fragments; and, Section 402 (a) (4), it had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 22, 1945. The Ehrat Cheese Co., Inc., Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration.

8014. Misbranding of dry milk solids. U. S. v. 185 Barrels of Dry Milk Solids. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13794. Sample No. 76074-F.)

LIBEL FILED: September 16, 1944, Northern District of New York.

ALLEGED SHIPMENT: On or about July 6, 1944, by the Blue Moon Foods, Inc., from Thorp, Wis.

PRODUCT: 185 barrels, each containing 200 pounds, of dry milk solids, at West Albany, N. Y.

VIOLATIONS CHARGED: Misbranding, Sections 403 (g) (1) and (2), the product purported to be nonfat dry milk solids or defatted milk solids, a food for which a definition and standard of identity has been prescribed by law, and it failed to conform to such definition and standard since it was not made from sweet milk of cows but was made from neutralized sour skim milk; and since its label failed to bear the name of the food specified in the definition and standard, i. e., nonfat dry milk solids or defatted milk solids.

DISPOSITION: April 23, 1945. The Blue Moon Foods, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond on condition that it be denatured under the supervision of the Food and Drug Administration.

8015. Adulteration of dried skim milk. U. S. v. 8 Barrels of Dried Skim Milk. Default decree of condemnation. Product ordered sold to be denatured for use other than human consumption. (F. D. C. No. 13290. Sample No. 72595-F.)

LIBEL FILED: August 22, 1944, Western District of Tennessee.

ALLEGED SHIPMENT: On or about June 25, 1944, by the Center Milk Products Co., from Maryville, Mo.

PRODUCT: 8 200-pound barrels of dried skim milk at Memphis, Tenn.

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 excreta, rodent hairs, larvae, and insect fragments.

DISPOSITION: April 12, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold to be denatured for use other than human consumption, under the supervision of the Federal Security Agency.

8016. Misbranding of dried skim milk. U. S. v. 50 Barrels of Dried Skim Milk. Default decree of condemnation. Product ordered sold for use as animal feed. (F. D. C. No. 13699. Sample No. 68083-F.)

PRODUCT: 50 200-pound barrels of dried skim milk at Cincinnati, Ohio.

ALLEGED SHIPMENT: On or about July 17, 1944, by the Red Top Milk Co., from Mabel, Minn.

PRODUCT: 50 200-pound barrels of dried skim milk at Cincinnati, Ohio.

LABEL, IN PART: "Dry Skim Milk Roller Process."

VIOLATION CHARGED: Misbranding, Section 403 (g) (1), the product purported to be nonfat dry milk solids or defatted milk solids, a food for which a defi-

dition and standard of identity has been prescribed by law, and it failed to conform to such definition and standard since it was not made from sweet milk of cows but was made from neutralized sour skim milk.

DISPOSITION: June 20, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold for use as animal feed.

8017. Supplement to notices of judgment on foods, No. 6092. U. S. v. 39 Cases of Evaporated Milk. (F. D. C. No. 12628. Sample No. 75227-F.)

On June 6, 1944, a libel was filed in the Western District of New York against 39 cases of evaporated milk, alleging that it had been shipped by the Borden Co., from Perrington, Mich., and that it was adulterated in that it consisted in whole or in part of a decomposed substance. The product at that time was in possession of the Erie Railroad Warehouse, Niagara Falls, N. Y. The goods were seized under the libel and the seizure action was terminated upon the entry of a decree of condemnation and destruction, no claim or answer having been filed.

Further investigation of the shipment has been made by this Agency in view of representations by the shipper that the product was in good condition at the time of shipment. The records of the railroad show that no inspection of the product had been made at the point of origin of the shipment, but that inspection at destination showed that the cases had shifted during shipment and that some cans had been punctured, causing the milk to leak through on a number of cases. The records also show that the railroad claims agent concluded that the damage was caused by rough handling in transit.

FEEDS AND GRAINS

8018. Adulteration of meat bone scrap. U. S. v. 250 Bags of Meat Bone Scrap. Default decree of condemnation and destruction. (F. D. C. No. 11489. Sample No. 50728-F.)

LIBEL FILED: December 28, 1943, District of New Jersey.

ALLEGED SHIPMENT: On or about November 22, 1943, by the H. M. Rubin Co., from Brooklyn, N. Y.

PRODUCT: 250 100-pound bags of meat bone scrap at Vineland, N. J.

LABEL, IN PART: "Rubco Meat Bone Scrap."

VIOLATION CHARGED: Adulteration, Section 402 (a) (1), the product contained an added deleterious substance, glass, which may have rendered it injurious to health.

DISPOSITION: March 3, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8019. Adulteration and misbranding of Mor-Milk for Pigs and Hogs, and Mor-Milk for Calves. U. S. v. Utley Noble (Mor-Milk Co.). Plea of guilty. Fine, \$450 and costs. (F. D. C. No. 11335. Sample Nos. 32090-F, 32091-F, 37967-F.)

INFORMATION FILED: April 17, 1944, Northern District of Illinois, against Utley Noble, trading as the Mor-Milk Co., Dixon, Ill.

ALLEGED SHIPMENT: On or about April 17 and 30, 1943, from the State of Illinois into the States of Indiana and Michigan.

VIOLATIONS CHARGED: Mor-Milk for Pigs and Hogs, adulteration, Section 402 (b) (1), valuable constituents had been in whole or in part omitted or abstracted from the product in that it was represented to contain 17 percent of protein and 3.50 percent of fat, but contained not more than 14.96 percent of protein and 2.09 percent of fat. Misbranding, Section 403 (a), the statements on the label, "Analysis Protein 17.00 percent Fat 3.50," were false and misleading.

Mor-Milk for Calves, adulteration, Section 402 (b) (1), valuable constituents of the product had been in whole or in part omitted or abstracted therefrom in that the product was represented to contain 20 percent of protein and 3.50 percent of fat, but a portion contained no more than 14.88 percent of protein and 2.72 percent of fat, and the remainder contained no more than 17.23 percent of protein. Misbranding, Section 403 (a), the statements, "Analysis Protein 20.00 percent Fat 3.50," were false and misleading.

The articles, together with another product, Mor-Milk for Poultry, were also alleged to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 1341.