

tained less than 80 percent by weight of milk fat had been substituted for butter.

**DISPOSITION:** December 4, 1945. The San Juan Creamery Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for reworking under the supervision of the Federal Security Agency.

**9489. Adulteration of butter. U. S. v. 16 Cartons (1,024 pounds) of Butter. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 19188. Sample No. 19857-H.)**

**LIBEL FILED:** On or about January 11, 1946, Southern District of New York.

**ALLEGED SHIPMENT:** On or about December 24, 1945, by the Turtle Mountain Creamery, Dunseith, N. Dak.

**PRODUCT:** 16 64-pound cartons of butter at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

**DISPOSITION:** February 9, 1946. George Wittner & Co., Inc., New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration.

**9490. Adulteration of butter. U. S. v. 14 Boxes (896 pounds) of Butter. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 18450. Sample No. 19828-H.)**

**LIBEL FILED:** October 3, 1945, Eastern District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about October 18, 1945, by the Manannah Creamery, from Manannah, Minn.

**PRODUCT:** 14 64-pound boxes of butter at Philadelphia, Pa.

**LABEL, IN PART:** "Butter Distributed by C. G. Heyd & Co. Phila. Pa."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

**DISPOSITION:** November 15, 1945. C. G. Heyd & Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration.

**9491. Adulteration of butter. U. S. v. 9 Cartons (576 pounds) of Butter. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 18292. Sample No. 19081-H.)**

**LIBEL FILED:** September 7, 1945, District of Massachusetts.

**ALLEGED SHIPMENT:** On or about August 31, 1945, by the Edgerton Cooperative Creamery Co., from Edgerton, Minn.

**PRODUCT:** 9 cartons, each containing 64 pounds, of butter at Somerville, Mass.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

**DISPOSITION:** October 4, 1945. The Pipestone Produce Co., Somerville, Mass., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration.

**9492. Adulteration of butter. U. S. v. 9 Cartons (576 pounds) of Butter. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 18312. Sample No. 19803-H.)**

**LIBEL FILED:** September 5, 1945, Southern District of New York.

**ALLEGED SHIPMENT:** On or about August 22, 1945, by the Murdock Farmers Cooperative Creamery, Murdock, Minn.

**PRODUCT:** 9 cartons, each containing 64 pounds, of butter at New York, N. Y.

**LABEL, IN PART:** "Butter Distributed By Hunter Walton & Co. \* \* \* New York, N. Y."

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

**DISPOSITION:** September 27, 1945. The Murdock Farmers Cooperative Creamery Association, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration.

**9493. Adulteration of butter. U. S. v. 47 Cartons of Butter. Consent decree of condemnation. Product ordered released under bond.** (F. D. C. No. 18454. Sample No. 19721-H.)

**LIBEL FILED:** October 15, 1945, Southern District of New York.

**ALLEGED SHIPMENT:** On or about September 29, 1945, by the Farmers Union Coop. Creamery, Portland, N. Dak.

**PRODUCT:** 47 cartons of butter at New York, N. Y.

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

**DISPOSITION:** November 13, 1945. The Farmers Union Coop. Creamery, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration.

**9494. Misbranding of butter. U. S. v. 66 Cases of Butter. Consent decree of condemnation. Product ordered released under bond.** (F. D. C. No. 18289. Sample No. 24642-H.)

**LIBEL FILED:** September 19, 1945, Northern District of Alabama.

**ALLEGED SHIPMENT:** On or about August 25, 1945, by the Giles County Dairy Products Co., from Pulaski, Tenn.

**PRODUCT:** 66 cases, each containing 30 1-pound prints, of butter at Birmingham, Ala.

**LABEL, IN PART:** "1 Pound Tennessee Valley Butter."

**NATURE OF CHARGE:** Misbranding, Section 403 (a) and (e) (2), the prints did not contain "1 Pound" as labeled.

**DISPOSITION:** October 31, 1945. C. L. Runnels, individually, and as manager of the C. L. Runnels Co., Birmingham, Ala., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be labeled with the correct weight, under the supervision of the Food and Drug Administration.

#### CHEESE

**9495. Adulteration of cheese. U. S. v. 228 Pounds of Cheese (and 1 other seizure action against cheese). Default decrees of condemnation. Portion of product ordered delivered to a rendering plant; remainder ordered disposed of for hog feed.** (F. D. C. Nos. 18402, 18756. Sample Nos. 8076-H, 12330-H.)

**LIBELS FILED:** December 17, 1945, and January 3, 1946, District of Massachusetts and Middle District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about October 9 and November 8, 1945, by Armour and Co., from Watertown and Binghamton, N. Y.

**PRODUCT:** 228 pounds of cheese at Fitchburg, Mass., and 16 boxes, each containing 80 pounds, of the same product at New Milford, Pa.

**LABEL, IN PART:** "Asiago Medium Vat," or "O. N. Heath Rodman, N. Y. Pure Whole Milk New York State Washed Curd Cheese."

**NATURE OF CHARGE:** 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, rodent hair fragments, and rodent-gnawed cheese; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** February 28 and March 11, 1946. No claimant having appeared, judgments of condemnation were entered and the New Milford lot was ordered delivered to a charitable institution, for use as hog feed, and the Fitchburg lot was ordered delivered to a rendering plant for salvage of the fat.