

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: March 29, 1946. The claimant having admitted that the product was misbranded as alleged in the libel, judgment of condemnation was entered and the sirup was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

10761. Misbranding of maple sirup. U. S. v. 18 Cases * * *. (F. D. C. No. 19020. Sample No. 4667-H.)

LIBEL FILED: February 1, 1946, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about December 21 and 27, 1945, by the New England Maple Syrup Co., from Chelsea, Mass.

PRODUCT: 18 cases, each containing 6 cans, of maple sirup at Philadelphia, Pa. Examination showed that the product was short-weight.

LABEL, IN PART: "Parke's Brand Canned Quality Foods Pure Maple Syrup * * * Net Contents 3 Quarts—Net Weight 8 Lbs. 4 Ozs."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: February 25, 1946. The New England Maple Syrup Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

10762. Adulteration of sugar. U. S. v. 27 Bags * * *. (F. D. C. No. 18512. Sample No. 21943-H.)

LIBEL FILED: December 3, 1945, Western District of Tennessee.

ALLEGED SHIPMENT: On or about August 10 and September 29, 1945, from Sterling, La.

PRODUCT: 27 100-pound bags of sugar at Memphis, Tenn., in possession of Memphis Ice Cream Co. The product was stored under insanitary conditions after shipment. Rodent excreta and urine stains were observed on the bags, and examination showed that the product contained rodent excreta and urine.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: February 1, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold to the highest bidder to be denatured for use other than human consumption, under the supervision of the Food and Drug Administration.

DAIRY PRODUCTS

BUTTER

The following cases report actions involving butter that consisted in whole or in part of filthy or decomposed substances, Nos. 10763 to 10766 and 10771; and that was below the standard for milk fat content, Nos. 10767 to 10770.

10763. Adulteration of butter. U. S. v. Cecil E. Malone (Hereford Creamery). Plea of guilty. Fine, \$400. (F. D. C. No. 18603. Sample Nos. 26156-H, 26743-H.)

INFORMATION FILED: June 4, 1946, Northern District of Texas, against Cecil E. Malone, trading under the name Hereford Creamery, Hereford, Tex.

ALLEGED SHIPMENT: June 21 and July 6, 1945, from the State of Texas into the State of New Mexico.

LABEL, IN PART: "Cream-O-Plains Butter."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect parts, insect fragments, setae, rodent hair, hair similar to rodent hair, hair similar to cat hair, feather barbules, moth scales, and nondescript dirt; and, Section 402 (a) (4), the article had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: June 10, 1946. The defendant having entered a plea of guilty, the court imposed a fine of \$200 on each count, a total fine of \$400.

10764. Adulteration of butter. U. S. v. 10 Cases * * *. (F. D. C. No. 18449. Sample No. 13688-H.)

LIBEL FILED: On or about September 6, 1945, Southern District of Ohio.

ALLEGED SHIPMENT: On or about August 27, 1945, by Rising Sun Creamery, Inc., from Rising Sun, Ind.

PRODUCT: 9 30-pound cases and 1 25-pound case of butter at Cincinnati, Ohio. Samples of the product were found to contain rodent hair fragments, vegetable fibers, insects and insect fragments, metal fragments, and a small amount of nondescript dirt.

LABEL, IN PART: "Indiana's Ideal Creamery Butter."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy animal substance; and, Section 402 (a) (4), it had been prepared under insanitary conditions.

DISPOSITION: September 7, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered sold, conditioned that it be denatured so that it could not be disposed of for human consumption.

10765. Adulteration of butter. U. S. v. 200 Cases * * *. (F. D. C. No. 18670. Sample No. 14015-H.)

LIBEL FILED: September 17, 1945, Southern District of West Virginia.

ALLEGED SHIPMENT: On or about September 10, 1945, by the Merchants Creamery Co., from Cincinnati, Ohio.

PRODUCT: 200 cases, each containing 20 1-pound rolls, of butter at Charleston, W. Va. The product contained mold.

LABEL, IN PART: "Kroger's Country Club Quality Brand Roll Creamery Butter * * * Packed for The Kroger Grocery & Baking Co. * * * Cincinnati, Ohio."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy or decomposed substance.

DISPOSITION: November 7, 1945. The Merchants Creamery Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered. It was ordered that the product be released under bond for the purpose of conversion into animal feed or utilization in the manufacture of inedible fats, under the supervision of the Food and Drug Administration.

10766. Adulteration of butter. U. S. v. 28 Cartons (1,764 pounds) * * *. (F. D. C. No. 18673. Sample No. 4568-H.)

LIBEL FILED: August 30, 1945, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about August 20, 1945, by Orange Creamery, from Orange, Va.

PRODUCT: 28 cartons, each containing 63 pounds, of butter at Harrisburg, Pa. Analysis showed that the product contained mold.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy or decomposed substance.

DISPOSITION: December 19, 1945. The sole intervener having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered sold, conditioned that it be melted and mixed with other greases, under the supervision of the United States Marshal, so that it could not be used as butter.

10767. Adulteration of butter. U. S. v. Farmers Union Co-operative Creamery and Herman A. Haugen. Pleas of guilty. Fines of \$150 against each defendant. (F. D. C. No. 19038. Sample No. 19721-H.)

INFORMATION FILED: March 5, 1946, District of North Dakota, against Farmers Union Co-operative Creamery, a corporation, Portland, N. Dak., and Herman A. Haugen, manager.

ALLEGED SHIPMENT: On or about September 28, 1945, from the State of North Dakota into the State of New York.

LABEL, IN PART: "J. R. Kramer, Inc. New York."