NATURE OF CHARGE: Adulteration, Section 402 (b) (2), an article containing excessive moisture had been substituted in whole or in part for Colby cheese.

Misbranding, Section 402 (g) (1), the article failed to conform to the definition and standard of identity for Colby cheese since it contained more than 40 percent of moisture.

DISPOSITION: On April 5, 1946, no claimant having appeared, judgment was entered ordering the product converted into animal feed or destroyed under the supervision of the Food and Drug Administration. On April 23, 1945, an amendment to the decree was entered permitting the delivery of the product to a charitable institution, for use as human food.

MISCELLANEOUS DAIRY PRODUCTS

10775. Adulteration of milk and cottage cheese. U. S. v. Associated Dairy Products Co. Plea of nolo contendere. Fine, $1,500. Defendant placed on probation for 5 years. (F. D. C. No. 19042. Sample Nos. 32229-H, 32232-H, 32235-H.)

INFORMATION FILED: March 12, 1946, District of Arizona, against the Associated Dairy Products Co., a corporation, Glendale, Ariz.

ALLEGED SHIPMENT: On or about August 1 and 3, 1946, from the State of Arizona into the States of New Mexico and Texas.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), (milk) the product consisted in whole or in part of a filthy substance by reason of the presence of nondescript dirt consisting of brown particles resembling rust or rust-stained casein, fragments resembling manure, an insect fragment, a cow hair, and metal particles, and (cottage cheese) a feather barbule, insect fragments, and cat hairs; and, Section 402 (a) (4), (both products) the articles had been prepared, packed, and held under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: May 27, 1946. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of $750 on each of counts 1 and 2, a total fine of $1,500. Sentence was suspended on count 3 for a period of 5 years, during which time the defendant was to be on probation.

10776. Adulteration and misbranding of evaporated milk. U. S. v. 186 Cases * * *. (F. D. C. No. 19080. Sample No. 19437-H.)

LIBEL FILED: February 7, 1946, District of Minnesota.

ALLEGED SHIPMENT: On or about December 15, 1945, by Fort Dodge Creamery Co., from Fort Dodge, Iowa.

PRODUCT: 186 cases, each containing 48 14½-ounce cans, of evaporated milk at Minneapolis, Minn.

LABEL, IN PART: "Jack Sprat Brand Evaporated Milk * * * Contains not less than 325 U. S. P. Vitamin D Units (25 Units Per Fld. Oz.)."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, vitamin D, had been in part omitted from the article.

Misbranding, Section 403 (a), the label statement "Contains not less than 325 U. S. P. Vitamin D Units (25 Units Per Fld. Oz.)" was false and misleading as applied to the article, which contained less than the stated amount of vitamin D.

DISPOSITION: September 5, 1946. The Western Grocer Co., Marshalltown, Iowa, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Federal Security Agency.

10777. Misbranding of condensed buttermilk. U. S. v. Nashville Buttermilk Co. and Neil Hunt. Pleas of nolo contendere. Fine of $100 against each defendant. (F. D. C. No. 17832. Sample Nos. 2764-H, 4609-H.)

INDICTMENT RETURNED: On July 24, 1946, Middle District of Tennessee, against the Nashville Buttermilk Co., a corporation, Nashville, Tenn., and Neil Hunt, president—treasurer.

ALLEGED SHIPMENT: February 24 and March 23, 1945, from the State of Tennessee into the States of Virginia and New Jersey.