LABEL, IN PART: "Mfd. For I. H. Nester & Co. Nestco Brand Buttermilk," or "Condensed Buttermilk For Animal And Poultry Feed Supreme Brand Manufactured For Herbert K. Clofine Philadelphia, Pa."

NATURE OF CHARGE: Misbranding, Section 403 (a), (portion of product) the label statements "Buttermilk Equal to Any—Superior to Many Pure Creamery Buttermilk Condensed to a Semi-Solid Solids 27%—Protein 10%—Fat 2% * * * It is All Pure Buttermilk" were false and misleading. These statements represented that the article was condensed buttermilk and that it contained 27 percent of solids, 10 percent of protein, and 2 percent of fat. The article was not condensed buttermilk but was a substance containing starch, and it contained less than 27 percent of solids, less than 10 percent of protein, and less than 2 percent of fat.

Further misbranding, Section 403 (a), (remainder of product) the label statements "Condensed Buttermilk * * * Made by condensing liquid creamery buttermilk * * * Protein 10%" were false and misleading. These statements represented that the article was condensed buttermilk, a substance not containing added starch, and that it contained 10 percent of protein. The article was not condensed buttermilk but was a substance containing added starch, and it contained less than 10 percent of protein.

DISPOSITION: October 9, 1946. Pleas of nolo contendere having been entered on behalf of both defendants, the court imposed a fine of $50 on each count against each defendant, a total fine of $200.

10778. Adulteration and misbranding of condensed buttermilk. U. S. v. 15 Barrels * * *. (F. D. C. No. 18992. Sample No. 5235–H.)

LIBEL FILED: On or about January 28, 1946, District of New Jersey.

ALLEGED SHIPMENT: On or about November 26, 1945, by Shearer's Dried Milk Products Corporation, from Philadelphia, Pa.

PRODUCT: 15 barrels, each containing approximately 400 pounds, of condensed buttermilk at Woodbury, N. J. This product was not condensed buttermilk as represented since it contained not more than 0.17 percent of fat, which is less than condensed buttermilk should contain. It contained less protein, fat, lactic acid, and total solids than declared.

LABEL, IN PART: "Lacto-Protein Condensed Buttermilk Min Analyses Protein 10.00% Fat 2% Lactic Acid 6.00% Total Solids 27.00%."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 10 percent of protein, less than 2 percent of fat, less than 6 percent of lactic acid, and less than 27 percent of total solids had been substituted for the article.

Misbranding, Section 403 (a), the designation "Condensed Buttermilk" and the statement "Protein 10% Fat 2% Lactic Acid 6.00% Total Solids 27.00%" were false and misleading.

DISPOSITION: February 1, 1946. Shearer's Dried Milk Products Corporation, 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.

10779. Adulteration of cream. U. S. v. 15 cans * * *. (F. D. C. No. 18434. Sample No. 26865–H.)

LIBEL FILED: September 13, 1945, District of Colorado.

ALLEGED SHIPMENT: On or about September 10, 1945, by the Gartin Creamery, from Franklin, Nebr.

PRODUCT: 15 10-gallon cans of cream at Denver, Colo.

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

DISPOSITION: September 13, 1945. The consignee having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered ordering that the product be destroyed.

10780. Adulteration of cream. U. S. v. 4 10-Gallon Cans * * *. (F. D. C. No. 18432. Sample No. 25954–H.)

LIBEL FILED: September 27, 1945, District of Colorado.