rodent excreta existed at various places in the plant, including the section where raw materials were stored; and the milk purchased and received by the defendant, from which the cheese and cheese products were processed and manufactured, contained large amounts of filth such as chaff, vegetable matter, cow hairs, insect parts, rodent hairs, manure, and nondescript dirt.

PRAYER OF COMPLAINT: That a preliminary and permanent injunction issue, restraining and enjoining the defendant from commission of the acts complained of.

DISPOSITION: On November 5, 1945, the defendant filed an answer to the amended complaint, denying in substance the material allegation of the complaint. On March 11, 1946, however, when the case came on for hearing, the defendant admitted the truth of the allegations of the complaint, and he consented that a permanent injunction be granted as prayed, which the court so ordered.

9289. Adulteration of cheese. U. S. v. Swift and Co. Plea of guilty. Fine, $100 and costs. (F. D. C. No. 16613. Sample Nos. 2773–H, 10329–H, 16664–H, 17730–H.)

INFORMATION FILED: January 15, 1946, Northern District of Ohio, against Swift and Co., a corporation, Lima, Ohio.

ALLEGED SHIPMENT: On or about June 12, 15, and 22, 1945, from the State of Ohio into the States of Pennsylvania and Illinois.

LABEL, IN PART: (Portion) "Cheddar Cheese * * * Colored Triple Daisies."

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 insects, insect fragments, colored thread fragments, metal fragments, pieces of wood, a feather fragment, a weevil, an aphid, a rodent pellet, a fragment of rodent hair, a hair resembling a rodent hair, a cow hair, and nondescript dirt; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 23, 1946. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $100, plus costs.

9290. Adulteration and misbranding of grated cheese, oil, and chick peas. U. S. v. Hermes Importing Co. Plea of guilty. Fine, $400 and costs. (F. D. C. No. 15533. Sample Nos. 75390–F, 75924–F to 75926–F., incl.)

INFORMATION FILED: June 6, 1945, Western District of Pennsylvania, against the Hermes Importing Co., a partnership, Pittsburgh, Pa.

ALLEGED SHIPMENT: On or about July 7 and 18 and August 8, 1944, from the State of Pennsylvania into the States of West Virginia and Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), all articles consisted in whole or in part of filthy substances by reason of the presence (in the cheese) of the larvae of storage insects, flies, fragments of larvae, whole insects such as larvae, adult insects, and insect fragments; (in the oil) storage moths and insect fragments; and (in the chick peas) insect-infested chick peas. Further adulteration, Section 402 (a) (4), the articles had been prepared or packed under insanitary conditions whereby they may have become contaminated with filth.

Misbranding, Section 403 (e) (1), all articles failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor; Section 403 (e) (2), they failed to bear labels containing a statement of the quantity of the contents; and, Section 403 (i) (1), they failed to bear labels containing the common or usual name of the product.

Misbranding, Section 403 (c), the oil was an imitation of olive oil and failed to bear a label containing, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated; Section 403 (i) (2), it failed to bear a label containing the common or usual name of each ingredient; and, Section 403 (k), it contained artificial flavoring and coloring and failed to bear labeling stating that fact.

DISPOSITION: January 17, 1946. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $400, plus costs.

9291. Adulteration of cheese. U. S. v. 25 Kegs of Feta Cheese. Default decree of condemnation. Product ordered delivered to a rendering plant. (F. D. C. No. 18952. Sample Nos. 12307–H, 12489–H.)

LIBEL FILED: January 8, 1946, District of Massachusetts.