

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.)

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

ALLEGED SHIPMENT: On or about November 23, 1945, by A. Fantis and Co., from New York, N. Y.

PRODUCT: 25 125-pound kegs of cheese at Boston, Mass.

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 hairs and insect fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 22, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a rendering plant for the recovery of the fat.

9292. Adulteration of cheese. U. S. v. 85 Kegs of Feta Type Cheese. Default decree of condemnation and destruction. (F. D. C. No. 18886. Sample No. 47317-H.)

LIBEL FILED: January 31, 1946, District of Colorado.

ALLEGED SHIPMENT: On or about December 12, 1945, by the Merchants Cold Storage Co., from Chicago, Ill.

PRODUCT: 85 125-pound kegs of cheese at Trinidad, Colo.

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

DISPOSITION: March 20, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

MISCELLANEOUS DAIRY PRODUCTS*

9293. Adulteration of ice cream. U. S. v. The Borden Co., William A. Smith, and Elmer Brown. Pleas of not guilty. Tried to the court. Verdict of guilty. Fines, \$350, \$75, and \$75, respectively. (F. D. C. No. 18588. Sample Nos. 25915-H, 25916-H, 25918-H.)

INFORMATION FILED: January 2, 1946, Western District of Texas, against the Borden Co., a corporation, El Paso, Tex., and William A. Smith, plant manager, and Elmer Brown, superintendent of the ice cream department.

ALLEGED SHIPMENT: On or about September 10 and 11, 1945, from the State of Texas into the State of New Mexico.

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 fly and cockroach fragments, fragments similar to fly and cockroach fragments, cockroach excreta, rodent hairs, feather barbules, and insect fragments; and, Section 402 (a) (4), it had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: February 1, 1946. The defendants having entered pleas of nolo contendere, the court directed that pleas of not guilty be entered for each defendant. Jury trial was waived and the case came on for hearing before the court. After consideration of the evidence and arguments of counsel, the court found the defendants guilty as charged and imposed fines of \$350 upon the corporate defendant and \$75 upon each of the individual defendants.

9294. Adulteration of dairy products. U. S. v. The Frink Creamery Co. Plea of nolo contendere. Fine, \$750. (F. D. C. No. 18599. Sample Nos. 26753-H to 26757-H, incl.)

INFORMATION FILED: January 28, 1946, District of Colorado, against the Frink Creamery Co., a corporation, Sanford and Fort Collins, Colo.

ALLEGED SHIPMENT: On or about July 27 and August 8, 1945, from the State of Colorado into the States of New Mexico, Texas, and Wyoming.

Examination showed that the cream contained a whole insect, an insect part, fibers, metallic particles, carbonaceous matter, and nondescript dirt; that the cottage cheese contained nondescript dirt; that the fluid milk contained a feather barbule, plant fibers, and nondescript dirt; and that the condensed skim milk contained an insect fragment, hair similar to rodent hair, feather barbules, and carbonaceous material.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances; and, Section 402 (a) (4), they had

*See also No. 9284.