

**DISPOSITION:** October 21, 1947. Default decree of condemnation and destruction.

**12494. Adulteration of brick cheese. U. S. v. 5 Cases \* \* \*** (F. D. C. No. 23448. Sample No. 94181-H.)

**LIBEL FILED:** September 5, 1947, Eastern District of Missouri.

**ALLEGED SHIPMENT:** On or about July 31, 1947, by C. F. Franke, from Ashippun, Wis.

**PRODUCT:** 5 cases, each containing 10 5-pound loaves, of brick cheese at St. Louis, Mo.

**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 maggots.

**DISPOSITION:** October 3, 1947. Default decree of condemnation and destruction.

**12495. Adulteration of fresh curd cheese. U. S. v. 5 Bundles \* \* \*** (F. D. C. No. 23852. Sample No. 6605-K.)

**LIBEL FILED:** October 20, 1947, Southern District of New York.

**ALLEGED SHIPMENT:** On or about October 9, 1947, by the Delaware Valley Creamery Co., Inc., from Cambridge Springs, Pa.

**PRODUCT:** 5 50-pound bundles of fresh curd cheese at Yonkers, N. Y.

**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 rodent excreta, flies, and other insects, together with the use of uncleaned containers; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** November 6, 1947. Default decree of condemnation and destruction.

**12496. Adulteration and misbranding of grated cheese. U. S. v. 49 Cases \* \* \*** (and 2 other seizure actions). (F. D. C. Nos. 21994, 22659, 22662. Sample Nos. 64631-H, 64648-H, 74446-H, 74447-H.)

**LIBELS FILED:** December 23, 1946, and March 21, 1947, District of Connecticut and District of Rhode Island.

**ALLEGED SHIPMENT:** Between the approximate dates of September 25, 1946, and January 30, 1947, by the Quality Grated Cheese Co., from Roxbury and Boston, Mass.

**PRODUCT:** 49 cases at New Haven, Conn., and 20 cases at Providence, R. I., each case containing 24 jars of grated cheese.

**LABEL, IN PART:** (Jars) "Quality Brand Roman Style Grated Cheese Made from Partially Skim Milk Net Wgt. 2½ Ozs. When Packed."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a substance high in lactose had been substituted in whole or in part for grated cheese, which the product was represented to be.

Misbranding, Section 403 (a), the label designation "Roman Style Grated Cheese" was false and misleading, since the article contained a milk product other than cheese; and (New Haven lot), Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents. (The product contained from 12 to 17 percent lactose, indicating the presence of a milk product other than cheese. One lot was short-weight.)

**DISPOSITION:** February 21 and May 27, 1947. No claimant having appeared, judgments of condemnation were entered. The New Haven lot was ordered delivered to charitable institutions, and the remaining lots were ordered destroyed.

#### MISCELLANEOUS DAIRY PRODUCTS

**12497. Adulteration of curd and adulteration and misbranding of cheese. U. S. v. Parley Lambert (Sweet Clover Creamery). Plea of guilty. Fine, \$150.** (F. D. C. No. 20939. Sample Nos. 43834-H, 45835-H, 47490-H.)

**INFORMATION FILED:** October 8, 1946, District of Utah, against Parley Lambert, trading as the Sweet Clover Creamery, Mt. Emmons, Utah.

**ALLEGED SHIPMENT:** On or about March 25 and May 27, 1946, from the State of Utah into the State of California.

**LABEL, IN PART:** "To El Rey Cheese Co. Los Angeles Cal. Sweet Clover Creamery."

**NATURE OF CHARGE:** Curd and Cheddar cheese. Adulteration, Section 402 (a) (3), the articles consisted in part of filthy substances by reason of the presence of (in the curd) rodent hairs, an insect leg, and nondescript dirt, and (in the Cheddar cheese) insect parts, rodent hairs, feather fragments and feather barbules, plant particles, and nondescript dirt; and, Section 402 (a) (4), they had been prepared, packed, and held under insanitary conditions whereby they may have become contaminated with filth.

Colby cheesé. Misbranding, Section 403 (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 and its solids contained less than 50 percent of milk fat.

**DISPOSITION:** February 21, 1947. A plea of guilty having been entered by the defendant, the court imposed a fine of \$150.

**12498. Adulteration and misbranding of dried whey. U. S. v. Nelson-Ricks Creamery Co. Plea of guilty. Fine, \$50. (F. D. C. No. 23245. Sample No. 70552-H.)**

**INFORMATION FILED:** September 22, 1947, District of Idaho, against the Nelson-Ricks Creamery Co., a corporation, Rexburg, Idaho.

**ALLEGED SHIPMENT:** On or about May 4, 1946, from the State of Idaho into the State of California.

**LABEL, IN PART:** "Edible Milk By-products (Dried)."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a mixture of a cereal product of high starch content and milk by-products had been substituted for milk by-products.

Misbranding, Section 403 (a), the statement "Milk By-products" was false and misleading.

**DISPOSITION:** October 13, 1947. A plea of guilty having been entered on behalf of the defendant, a fine of \$50 was imposed.

**12499. Adulteration of ice cream. U. S. v. Steffen Ice & Ice Cream Co. (F. D. C. No. 21576. Sample Nos. 48542-H, 48543-H, 48546-H.)**

**INFORMATION FILED:** May 10, 1947, Northern District of Texas, against the Steffen Ice & Ice Cream Company, a corporation, Amarillo, Tex.

**ALLEGED SHIPMENT:** On or about October 19, 20, and 24, 1946, from the State of Texas into the State of New Mexico.

**LABEL, IN PART:** (Portion) "Vanilla One Pint Steffen's Ice Cream Artificially Flavored Manufactured by Steffen Ice & Ice Cream Company Wichita, Arkansas City, Kansas—Amarillo, Texas."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of rodent hair and other hairs, feather barbules, and nondescript dirt; and, Section 402 (a) (4), it had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** June 2, 1947. A plea of nolo contendere having been entered, the court imposed fines totaling \$150.

**12500. Adulteration of cream. U. S. v. 1 10-Gallon Can \* \* \* (and 5 other seizure actions). (F. D. C. Nos. 21283 to 21286, incl., 21289, 21290. Sample Nos. 59761-H, 59780-H, 59781-H, 59783-H, 59794-H, 60505-H.)**

**LABELS FILED:** August 26 and September 16, 17, and 30, 1946, Western District of Pennsylvania.

**ALLEGED SHIPMENT:** Between the approximate dates of August 22 and September 25, 1946. Two cans were shipped by the Fairmont Creamery Co., and 1 can by C. M. Walker, from Strasburg, Va.; 3 cans, by Eston Judy, from Petersburg, W. Va.; 1 can, by C. M. Russell, from Winchester, Va.; and 1 can, by Fred Farhart, from Middlebourne, W. Va.

**PRODUCT:** 8 10-gallon cans of cream at Pittsburgh, Pa.

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