13088. Adulteration of cottage cheese. U. S. v. Meriden Creamery Co., Inc. Plea of nolo contendere. Fine, $500 and costs. (F. D. C. No. 22044. Sample Nos. 26293–H, 26294–H, 33531–H, 49170–H, 72502–H.)

INFORMATION FILED: July 18, 1947, District of Kansas, against the Meriden Creamery Co., Inc., Hutchinson, Kans.

ALLEGED SHIPMENT: On or about May 8, July 31, and August 1 and 2, 1946, from the State of Kansas into the States of New Mexico, Texas, and Colorado.

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

DISPOSITION: November 20, 1947. A plea of nolo contendere having been entered, a fine of $500, together with costs, was imposed.

13089. Adulteration and misbranding of washed curd cheese. U. S. v. Cabot Farmers' Cooperative Creamery Co., Inc. Plea of guilty. Fine, $300. (F. D. C. No. 24235. Sample Nos. 74025–H, 74896–H.)

INFORMATION FILED: April 5, 1948, District of Vermont, against the Cabot Farmers' Cooperative Creamery Co., Inc., Cabot, Vt.

ALLEGED SHIPMENT: On or about April 11 and 14, 1947, from the State of Vermont into the States of New Hampshire and Connecticut.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 50 percent of milk fat had been substituted for washed curd cheese. Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for washed curd cheese, since its solids contained less than 50 percent of milk fat.

DISPOSITION: April 21, 1948. A plea of guilty having been entered on behalf of the defendant, a fine of $300 was imposed.

13090. Adulteration of cheese. U. S. v. 86 Pounds * * * (and 9 other seizure actions). (F. D. C. Nos. 23444, 23744 to 23746, incl., 23771, 23781, 23988, 24015, 24185, 24188. Sample Nos. 66353–H, 84887–H, 84892–H, 87689–H, 99972–H, 4167–K, 7001–K, 7060–K, 12228–K, 12229–K, 13031–K, 13032–K.)

LIBELS FILED: Between September 4 and December 16, 1947, Western, Eastern, and Middle Districts of Pennsylvania, Northern District of Ohio, and District of Massachusetts.

ALLEGED SHIPMENT: Between the approximate dates of July 9 and November 18, 1947, by the Empire State Cheese Co., from Olean, N. Y.

PRODUCT: 7,291½ pounds of cheese and 110 pounds of grated cheese in various lots at Erie, Old Forge, Susquehanna, Wilkes-Barre, Hazleton, and Philadelphia, Pa.; Ashtabula and Youngstown, Ohio; and Boston, Mass.

LABEL, IN PART: (Portions) "Emscco Cheese * * * Romano [or "Grated"]," "Emscco Cheese Pepato," "Emscco * * * Ricotta-Secca," or "Emscco Cheese."

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 cheese mites and, in some of the lots, insect fragments and rodent hair fragments; Section 402 (a) (4), (portion of product) it had been prepared and held under insanitary conditions whereby it may have become contaminated with filth; and, Section 402 (a) (2), (Wilkes-Barre lot) it contained an added poisonous and deleterious substance, hydrocyanic acid, which is unsafe within the meaning of the law, since it is a substance not required in the production of the food and could have been avoided by good manufacturing practice.

DISPOSITION: Between December 24, 1947, and April 19, 1948. Default decrees of condemnation and destruction.

13091. Adulteration of Italian-type cheese. U. S. v. 200 Cases, etc. (F. D. C. No. 23735. Sample Nos. 86851–H to 86853–H, incl.)

LIBEL FILED: September 12, 1947, District of Minnesota.

ALLEGED SHIPMENT: On or about July 2, 17, and 30, 1947, by the Stella Cheese Co., from Rice Lake, Wis.

PRODUCT: 600 cases, each containing approximately 126 pounds, of Italian-type cheese at Duluth, Minn.

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 insect fragments, rodent hairs, and manure fragments, and by reason of the use of filthy milk in its preparation.

DISPOSITION: February 9, 1948. The Stella Cheese Co., Campbellsport, Wis., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for salvaging under the supervision of the Food and Drug Administration; 37,354½ pounds of the cheese was salvaged as fit for human consumption.

13092. Misbranding of cheese. U. S. v. 70 Crocks, etc. (F. D. C. No. 24323. Sample No. 9737–K.)

LIBEL FILED: On or about February 2, 1948, Southern District of New York.

ALLEGED SHIPMENT: On or about December 23, 1947, by the June Dairy Products Co., Inc., Jersey City, N. J.

PRODUCT: 129 4-ounce, 8-ounce, and 12-ounce crocks of cheese at New York, N. Y.

LABEL, IN PART: "June Dairy Colonial Cheese Bleu [or "Gorgonzola," or "Cheddar"] Cheese."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents, since the label statements "Net Weight 4 Ounces," "Net Weight 8 Ounces," and "Net Weight 12 Ounces" were inaccurate. (Examination showed that the article was short-weight.)

DISPOSITION: March 1, 1948. Default decree of condemnation. The product was ordered delivered to a charitable institution.

EGGS AND EGG PRODUCTS

13093. Adulteration of frozen whole eggs. U. S. v. 648 Cans * * * (and 2 other seizure actions). (F. D. C. Nos. 21319, 22228, 22229. Sample Nos. 57631–H, 57632–H, 63880–H.)

LIBELS FILED: October 16, 1946, and January 30, 1947, Middle District of Pennsylvania and District of Massachusetts.

ALLEGED SHIPMENT: In or about August 15 and December 3, 1946, by the Arthur Redmond Co., Inc., from Terre Haute, Ind., and New York, N. Y.

PRODUCT: 648 cans at Scranton, Pa., 100 cans at New Bedford, Mass., and 120 cans at Boston, Mass., each can containing 30 pounds of frozen whole eggs.

LABEL, IN PART: "Kirby Kuality Dublegg Frozen Concentrated Whole Eggs," "Frozen Whole Eggs Packed by Tri-State Produce Co. Sioux City, Iowa," or "Capital Butter & Egg Co., Washington 4, D. C. Whole Eggs."

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

DISPOSITION: December 11, 1946, and February 24, 1947. The Arthur Redmond Co., Inc., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed under the supervision of the Food and Drug Administration.

13094. Adulteration of frozen whole eggs. U. S. v. 160 Tins * * *. (F. D. C. No. 24038. Sample No. 37221–K.)

LIBEL FILED: December 23, 1947, Western District of Washington.

ALLEGED SHIPMENT: On or about November 1, 1947, by the Fergus County Creamery, from Lewistown, Mont.

PRODUCT: 160 30-pound tins of frozen whole eggs at Tacoma, Wash.

LABEL, IN PART: "Armour's Cloverbloom Frozen Whole Eggs Armour Creameries Chicago, Ill."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance. (Examination showed the presence of decomposed eggs.)