

pliance with the law, under the supervision of the Federal Security Agency. The butter was reworked to the legal standard.

CHEESE

15619. Adulteration and alleged misbranding of Cheddar cheese. U. S. v. Wilson & Co., Inc., and Robert H. Forbess. Pleas of not guilty. Tried before a jury. Directed verdict of not guilty with respect to Robert H. Forbess; verdict of guilty with respect to Wilson & Co., Inc. Motion for new trial granted. Plea of nolo contendere subsequently entered. Fine, \$300. (F. D. C. No. 20961. Sample Nos. 13672-H, 24367-H, 24436-H, 24439-H.)

INFORMATION FILED: March 15, 1947, Southern District of Mississippi, against Wilson & Co., Inc., trading at Macon, Miss., and Robert H. Forbess, manager.

ALLEGED SHIPMENT: On or about May 2 and June 1, 1945, from the State of Mississippi into the States of Louisiana and Tennessee.

NATURE OF CHARGE: Adulteration (counts 1 and 3), Section 402 (b) (2), a product containing in its solids less than 50 percent of milk fat had been substituted for Cheddar cheese.

Misbranding (counts 2 and 4), Section 403 (g) (1), the product failed to conform to the definition and standard of identity for Cheddar cheese, which definition and standard provides that Cheddar cheese contain in its solids not less than 50 percent of milk fat.

DISPOSITION: The defendants having entered pleas of not guilty, the case was tried to a jury on May 12 and 13, 1948. At the conclusion of the defendants' evidence, counsel for the defendants moved for a directed verdict of acquittal. The motion was granted with respect to Robert H. Forbess, but was denied with respect to Wilson & Co., Inc. The jury retired and returned a verdict finding the firm guilty. The court assessed a fine of \$1,500 on each of counts 1 and 3, and on or about May 27, 1948, dismissed counts 2 and 4. Counsel for Wilson & Co., Inc., having filed a motion for a new trial, the defendants' motion was granted on or about December 21, 1948.

The case was not retried, however; and on April 26, 1949, counsel for the defendant appeared in court and entered a plea of nolo contendere, which plea was accepted by the court, and the defendant was sentenced to pay a fine of \$150 on each of counts 1 and 3.

15620. Adulteration of Cheddar cheese. U. S. v. Approximately 40,213 Pounds * * *. (F. D. C. No. 27987. Sample No. 56982-K.)

LIBEL FILED: September 22, 1949, District of New Jersey.

ALLEGED SHIPMENT: On or about August 3, 1949, by the Hygrade Food Products Corp., from Manchester, Iowa.

PRODUCT: Approximately 40,213 pounds of Cheddar cheese at Harrison, N. J.

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, fragments of cockroaches, flies and other insects, mites, feather fragments, manure, rust, soil, plant material, mold, metal, and wood particles; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: January 30, 1950. The Hygrade Food Products Corp., claimant, having consented to the entry of a decree, judgment of condemnation was