

17528. Action to enjoin and restrain the interstate shipment of adulterated cheese. U. S. v. Costastine Economou (C. Economou). Decree for permanent injunction. (Inj. No. 123.)

COMPLAINT FILED: On or about November 29, 1945, District of Vermont, against Costastine Economou, trading as C. Economou, Hinesburg, Vt.

NATURE OF CHARGE: That the defendant from on or about July 12, 1945, to the time of filing the complaint had been preparing and packing cheese which was adulterated under Sections 402 (a) (3) and (4), in that it consisted in whole or in part of a filthy substance and was unfit for food, and had been prepared under insanitary conditions; and the cheese so prepared and packed was being shipped in interstate commerce by the defendant.

The complaint alleged further that a sanitary inspection made of the defendant's place of business on July 12, 1945, showed that the plant was very filthy; that flies were breeding in manure in a barnyard nearby and were gaining access to the plant and alighting upon equipment, raw materials, intermediate products, and finished cheese; that some of the cheese had maggots on it and other cheese had flies and parts of flies embedded in it; that rodent excreta pellets were found on a cheese drying table, and hundreds of large rodent pellets were observed on drain racks in the refrigerator room where finished cheese was stored; that rodent-gnawed cheese was observed by the inspector, and other signs of rodent activity were observed; and that examination of the milk being purchased by the defendant showed that a large amount was very dirty and unfit for human consumption and was being used by the defendant without clarification.

The complaint alleged further that the plant was reinspected on August 8, 1945, during which inspection, conditions similar to those existing at the time of the earlier inspection were observed; that an inspection of October 26, 1945, showed continuing rodent infestation and use of unfit milk; that a seizure had been made of a shipment of the firm's cheese at New York, N. Y., because of the presence of larvae and insect fragments; and that defendant had been warned of the conditions found in his plant during inspections and had been advised to correct them but had failed to do so.

The complaint alleged further, on information and belief, that the defendant would continue to ship adulterated food in interstate commerce unless restrained from so doing. The complaint prayed the issuance of a preliminary injunction, and that after due proceedings, the preliminary injunction be made permanent.

DISPOSITION: On November 21, 1945, pursuant to a stipulation between counsel for the Government and the defendant, a preliminary injunction was entered by the court. On February 27, 1946, after a hearing before the court, a permanent injunction was entered, restraining the defendant and all other persons acting on his behalf from directly or indirectly shipping or delivering for shipment into interstate commerce, cheese or cheese products which are adulterated in that they are filthy or decomposed or otherwise unfit for food, or which had been prepared, packed, or held under insanitary conditions whereby they may have become contaminated with filth, or had been manufactured from milk which was dirty and unfit for human consumption.

17529. Alleged adulteration of cheese. U. S. v. Laurel L. Stonebraker (L. L. Stonebraker). Plea of not guilty. Tried before the court and jury. Verdict of not guilty. (F. D. C. No. 12529. Sample No. 14377-F.)

INFORMATION FILED: July 18, 1944, District of Colorado, against Laurel L. Stonebraker, trading under the name of L. L. Stonebraker, Trinidad, Colo.