17533. Adulteration of cream. U. S. v. 1 10-Gallon Can * * *. (F. D. C. No. 31368. Sample No. 88963–H.)

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

ALLEGED SHIPMENT: On or about September 6, 1947, by the Seymore Packing Co., from Oakley, Kans.

PRODUCT: 1 10-gallon can of cream at Denver, Colo.

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 hair and nondescript dirt.

DISPOSITION: September 12, 1947. The consignee having consented to the entry of a decree, the court ordered that the product be destroyed.

17534. Adulteration of cream. U. S. v. 1 10-Gallon Can * * *. (F. D. C. No. 31369. Sample No. 88964–H.)

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

ALLEGED SHIPMENT: On or about September 6, 1947, by the Coop. Union Merc. Co., from Black Wolf, Kans.

PRODUCT: 1 10-gallon can of cream at Denver, Colo.

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 flies, rodent hair, and nondescript dirt.

DISPOSITION: September 12, 1947. The consignee having consented to the entry of a decree, the court ordered that the product be destroyed.

17535. Action to enjoin and restrain the interstate shipment of adulterated cream and skimmed milk. U. S. v. Francis G. Schuette (St. Rose Dairy Products). Preliminary injunction granted. Contempt proceedings instituted charging violation of preliminary injunction. Plea of nolo contendere to charge of contempt. Fine, $1,000. (Inj. No. 124.)

COMPLAINT FILED: January 18, 1946, Eastern District of Illinois, against Francis G. Schuette, trading as St. Rose Dairy Products, at St. Rose, Ill., and Okawville, Ill.

NATURE OF CHARGE: That the defendant was engaged in the business of purchasing and receiving milk in large volume from farmers, of processing the milk as cream, and of selling the cream and skimmed milk in wholesale quantities; that a large part of the defendant's output was shipped in interstate commerce from both of his places of business; that the defendant had been operating in such a manner that the cream and skimmed milk were exposed to contamination; that the milk purchased by the defendant was low grade and dirty and was contaminated with filth, and insufficient precautions were taken to remove the dirt; that dirty water was used in washing utensils and machinery; that insufficient precautions were taken to prevent flies and insects from getting into the cream and skimmed milk; and that the conditions under which the cream and milk were produced were so insanitary that the products were unfit for human consumption and dangerous to health.

The complaint alleged further that the cream and milk were adulterated under Sections 402 (a) (3) and (4); that the premises at St. Rose were inspected by Food and Drug inspectors in May 1944, during which insanitary conditions were found; that reinspections of the premises at St. Rose on three occasions in 1945, disclosed that the insanitary conditions still existed; that an inspection in 1945 of the Okawville, Ill., plant showed that similar filthy conditions existed there; that at various times, samples from interstate ship-