17616. Adulteration of butter and cheese. U. S. v. Emma Creamery Co. Plea of nolo contendere. Fine of $900, plus costs. (F. D. C. No. 30571. Sample Nos. 41997–K, 42000–K, 77901–K to 77903–K, incl., 77921–K, 77922–K.)

INFORMATION FILED: May 24, 1951, Western District of Missouri, against the Emma Creamery Co., a corporation, Emma, Mo.

ALLEGED VIOLATION: On or about June 22, 1942, the defendant, at Emma, Mo., gave to a firm engaged in the business of shipping cheese in interstate commerce, at Springfield, Mo., a guaranty to the effect that no cheese shipped or delivered by the defendant to the holder of the guaranty would be adulterated or misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act. On or about August 22, 23, 25, and 31, and September 5, 1950, the defendant delivered under the guaranty various quantities of cheese which were adulterated.

On or about October 6, 1947, the defendant, at Emma, Mo., gave to a firm at Chicago, Ill., a similar guaranty with respect to butter and other foods; and on or about August 23, 1950, the defendant delivered under the guaranty a quantity of butter which was adulterated.

NATURE OF CHARGE: Butter, count 1. Adulteration, Section 402 (b) (1), a valuable constituent, milk fat, had been in part omitted; and, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

Cheese, counts 2 to 6, incl. Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect fragments, plant fragments, manure fragments, and cow hairs, and by reason of the use of filth-contaminated milk in the preparation of the product.

DISPOSITION: August 17, 1951. A plea of nolo contendere having been entered, the court imposed a fine of $900, plus costs.

CHEESE*

17617. Adulteration of cheese. U. S. v. 1 Case * * *. (F. D. C. No. 30988. Sample No. 13105–L.)

LIBEL FILED: June 8, 1951, District of Colorado.

ALLEGED SHIPMENT: On or about May 25, 1951, by the Uddo & Taormina Corp., from New Orleans, La.

PRODUCT: 1 case containing 35 pounds of cheese at Denver, Colo.

LABEL, IN PART: "16 Prs. Boccini 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 insects.

DISPOSITION: July 18, 1951. Default decree of condemnation and destruction.

17618. Adulteration of Swiss cheese. U. S. v. Albert Goetz (Red Oak Dairy). Plea of guilty. Fine of $500, plus costs. Fine suspended for period of 5 years and defendant ordered to pay costs immediately. (F. D. C. No. 30061. Sample No. 57596–K.)

INFORMATION FILED: April 9, 1951, Northern District of Illinois, against Albert Goetz, trading as the Red Oak Dairy, Red Oak, Ill.

ALLEGED SHIPMENT: On or about May 24, 1950, from the State of Illinois into the State of Wisconsin.

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*See also No. 17616.