Colby cheese. Misbranding (one lot), Section 403 (a), the label statement "Made From Pasteurized Milk" borne on the product was false and misleading since the product was not made from pasteurized milk; and, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for Colby cheese since the milk used in its manufacture had not been pasteurized and the cheese had not been cured at a temperature of not less than 35 degrees F. for a period of not less than 60 days. Further misbranding (remaining lot), Section 403 (g) (1), the product failed to conform to the definition and standard of identity for Colby cheese since it contained more than 40 percent of moisture.

DISPOSITION: March 30, 1953. The defendant having entered a plea of guilty, the court fined the corporation $450, together with costs.

CHEESE *

19712. Adulteration of cheddar cheese. U. S. v. Frank Baker (Dairy Belt Cheese Co.). Plea of nolo contendere. Fine, $300. (F. D. C. No. 33826. Sample No. 53126–L.)

INFORMATION FILED: March 6, 1953, Eastern District of Missouri, against Frank Baker, trading as the Dairy Belt Cheese Co., Moberly, Mo.

ALLEGED VIOLATION: On or about June 20, 1951, the defendant gave to a firm engaged in the business of shipping cheese, in interstate commerce, a guaranty to the effect that all cheese delivered by the defendant under the guaranty would be neither adulterated nor misbranded.

On or about June 6, 1952, the defendant caused to be shipped to the holder of the guaranty, at Springfield, Mo., a quantity of cheese that was adulterated.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insect fragments, manure fragments, cow hairs, feather barbules, rodent hair fragments, fly setae, thrips, and aphids, and by reason of the use of filth-contaminated milk in the preparation of the product.

DISPOSITION: March 13, 1953. The defendant having entered a plea of nolo contendere, the court fined him $300.

19713. Misbranding of cheddar cheese and washed curd cheese. U. S. v. Fisher Cheese Co. and Fred W. Fisher. Pleas of nolo contendere. Each defendant fined $300; sentence suspended against individual defendant. (F. D. C. No. 33851. Sample Nos. 24941–L, 24942–L, 49008–L.)

INFORMATION FILED: February 24, 1953, Northern District of Ohio, against the Fisher Cheese Co., a corporation, Wapakoneta, Ohio, and Fred W. Fisher, secretary.

ALLEGED SHIPMENT: On or about June 3 and July 16, 1952, from the State of Ohio into the States of Pennsylvania and Minnesota.

LABEL, IN PART: (Boxes) "Cheddar Cheese * * * Koneta Kured Brown Rind"; (labels) "Koneta Kured Natural Cheddar Cheese Distributed By Koneta Foods Company Wapakoneta, Ohio"; (boxes) "Midget Cheese Koneta Kured Brown Rind Cheddar Cheese" and "Washed Curd Cheese State Brand Natural Cheese."

*See also No. 19711.