

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.

**NATURE OF CHARGE:** Misbranding, Section 403 (g) (1), (cheddar cheese) the product failed to conform to the definition and standard of identity for cheddar cheese since the product contained in its solids less than 50 percent of milk fat, and (washed curd cheese) the product failed to conform to the definition and standard of identity for washed curd cheese since the product contained more than 42 percent of moisture and its solids contained less than 50 percent of milk fat.

**DISPOSITION:** March 13, 1953. The defendants having entered pleas of nolo contendere, the court fined each \$300. The sentence against the individual defendant was suspended.

**19714. Adulteration and misbranding of process cheese. U. S. v. Todd Cheese Products, Inc., and John S. Todd. Pleas of guilty. Each defendant fined \$60 and costs. (F. D. C. No. 34307. Sample Nos. 16423-L, 34145-L, 34238-L.)**

**INFORMATION FILED:** February 20, 1953, District of Kansas, against Todd Cheese Products, Inc., Girard, Kans., and John S. Todd, president and treasurer.

**ALLEGED SHIPMENT:** On or about January 11, 1952, from the State of Kansas into the State of Missouri.

**LABEL, IN PART:** "Jayhawk Brand Pasteurized Process Cheese American" or "Spring River Brand Pasteurized Process American Cheese Distributed by Carthage Creamery Co. Carthage, Mo."

**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, soil, sand, metal particles, plant and cloth fibers, and wood splinters; Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth; and, Section 402 (b) (2), a product containing more than 40 percent of moisture and containing in its solids less than 50 percent milk fat had been substituted for pasteurized process American cheese.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for pasteurized process American cheese since it contained more than 40 percent of moisture and its solids contained less than 50 percent of milk fat.

**DISPOSITION:** April 13, 1953. The defendants having entered pleas of guilty, the court fined each defendant \$60, together with costs.

## FISH AND SHELLFISH

**19715. Adulteration of frozen fish. U. S. v. 3,143 Pounds \* \* \*. (F. D. C. No. 34083. Sample No. 23263-L.)**

**LIBEL FILED:** On or about October 29, 1952, Southern District of New York.

**ALLEGED SHIPMENT:** On or about August 26, 1952, from City Fish Market, Panama City, Fla.

**PRODUCT:** 3,143 pounds of frozen fish at New York, N. Y.

**LABEL, IN PART:** "Blue Runners."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish.

**DISPOSITION:** January 12, 1953. Default decree of condemnation and destruction.