

DISPOSITION: January 28, 1952. The Sunflower Coop. Creamery Assn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be converted into tallow, under the supervision of the Federal Security Agency.

18565. Adulteration of butter. U. S. v. 16 Cartons, etc. (1,600 pounds, total).
(F. D. C. No. 32254. Sample No. 35388-L.)

LIBEL FILED: November 2, 1951, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about October 24, 1951, from Garfield, Minn.

PRODUCT: 25 64-pound cartons of butter at Philadelphia, Pa.

LABEL, IN PART: "Butter Distributed by C. W. Dunnet & Co., 311 Phila, Pa."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80% by weight of milk fat had been substituted for butter.

DISPOSITION: December 5, 1951. C. W. Dunnet & Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for reworking under the supervision of the Federal Security Agency.

18566. Misbranding of butter. U. S. v. 50 Prints * * *. (F. D. C. No. 32251.
Sample Nos. 15325-L, 15326-L.)

LIBEL FILED: September 19, 1951, District of Kansas.

ALLEGED SHIPMENT: On or about August 21 and September 4, 1951, by the Galva Creamery Co., from Kansas City, Mo.

PRODUCT: 50 prints of butter at Kansas City, Kans.

LABEL, IN PART: (Print Wrapper) "One Pound Net Oak Leaf Brand Butter."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the package containing the article did not bear an accurate statement of the quantity of the contents since the statement "One Pound Net" was incorrect. (The article was short of the declared weight.)

DISPOSITION: March 17, 1952. Default decree of condemnation. The court ordered that the product be delivered to charitable institutions.

CHEESE

18567. Adulteration and misbranding of pasteurized process blue, Swiss, Gruyere, and Cheddar cheese. U. S. v. 41 Dozen Plastic Dishes * * * (and one other seizure action). (F. D. C. Nos. 32201, 32202. Sample Nos. 24166-L, 25893-L.)

LIBELS FILED: November 30, 1951, Eastern District of Pennsylvania and Southern District of New York.

ALLEGED SHIPMENT: On or about August 16, September 21, and October 17 and 25, 1951, by Zausner Foods, Inc., from Hillside, N. J.

PRODUCT: 137 dozen plastic dishes, each containing 6 1-ounce packages, of pasteurized process blue, Swiss, Gruyere, and Cheddar cheese, at Philadelphia, Pa., and New York, N. Y.

LABEL, IN PART: (Package) "Brandy Blue Pasteurized Process Cheese Flavored With Brandy," "Aged Gruyere Pasteurized Process Swiss Cheese," "Kummel and Swiss Pasteurized Process Cheese," "Smoked Cheddar Pasteurized Process Cheese," "Wine Cheddar Pasteurized Process Cheese Flavored with Wine," and "Sharp Aged Cheddar Pasteurized Process Cheese."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product, the solids of which contained less than 50 percent of milk fat, had been substituted in whole or in part for pasteurized process blue cheese; a product containing more than 42 percent moisture had been substituted in whole or in part for "Kummel and Swiss Pasteurized Process Cheese"; and products containing more than 40 percent of moisture, the solids of which contained less than 50 percent of milk fat, had been substituted in whole or in part for pasteurized process Cheddar cheese.

Misbranding, Section 403 (g) (1), the articles labeled, in part, as "Blue," "Kummel and Swiss," "Smoked Cheddar," "Wine Cheddar," and "Sharp Aged Cheddar," purported to be and were represented as pasteurized processed cheeses, foods for which definitions and standards of identity have been prescribed by regulations, and they failed to conform to such definitions and standards. The definitions and standards provide that pasteurized process blue cheese contains in its solids not less than 50 percent of milk fat; that pasteurized process Swiss cheese contains not more than 44 percent of moisture; and that pasteurized processed Cheddar cheese contains not more than 40 percent of moisture and its solids contain not less than 50 percent milk fat, as determined by the methods prescribed in the definitions and standards. The article (blue cheese) contained in its solids less than 50 percent of milk fat; the article (Kummel and Swiss cheese) contained more than 44 percent of moisture; and the articles (smoked Cheddar, wine Cheddar, and sharp Cheddar cheese) contained more than 40 percent of moisture, and their solids contained less than 50 percent of milk fat.

Further misbranding, Section 403 (g) (2), the articles purported to be and were represented as pasteurized process blue cheese, pasteurized process Swiss cheese, pasteurized process Gruyere cheese, and pasteurized process Cheddar cheese, and their labels failed to bear the names of the articles specified in the definitions and standards of identity.

DISPOSITION: January 7 and 23, 1952. Default decrees of condemnation and destruction. The court ordered that the products be delivered to charitable institutions.

FISH AND SHELLFISH

18568. Adulteration of frozen cod fillets. U. S. v. 75 Cases * * *. (F. D. C. No. 32687. Sample No. 13887-L.)

LABEL FILED: February 28, 1952, District of Colorado.

ALLEGED SHIPMENT: On or about October 10, 1951, by Gorton-Pew Fisheries Co., Ltd., from Gloucester, Mass.

PRODUCT: 75 cases, each containing 12 1-pound packages, of frozen cod fillets at Denver, Colo.

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.