

**DAIRY PRODUCTS****BUTTER**

**19224. Adulteration of butter. U. S. v. 4 Cases \* \* \*. (F. D. C. No. 31485. Sample No. 2702-L.)**

**LIBEL FILED:** September 24, 1952, Southern District of Florida.

**ALLEGED SHIPMENT:** On or about August 30, 1952, by the Sugar Creek Creamery Co., from Louisville, Ky.

**PRODUCT:** 4 cases, each containing 32 1-pound cartons, of butter at Miama, Fla.

**LABEL, IN PART:** (Carton) "Lake View Creamery Butter Distributed by Wilson & Co. General Offices, Chicago, Ill."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of its having been manufactured from decomposed cream.

**DISPOSITION:** November 14, 1952. Default decree of forfeiture and destruction.

**19225. Misbranding of butter. U. S. v. Galva Creamery Co. Plea of guilty. Fine of \$500, plus costs. (F. D. C. No. 32822. Sample Nos. 15325-L, 15326-L.)**

**INFORMATION FILED:** October 9, 1952, Western District of Missouri, against the Galva Creamery Co., a partnership, Kansas City, Mo.

**ALLEGED SHIPMENT:** On or about August 21 and September 4, 1951, from the State of Missouri into the State of Kansas.

**LABEL, IN PART:** "One Pound Net Oak Leaf Brand Butter."

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents since the packages of butter weighed less than the labeled "One Pound Net."

**DISPOSITION:** The defendant filed a motion to dismiss the information, but the court overruled this motion on December 4, 1952. On December 19, 1952, the defendant entered a plea of guilty, and the court imposed a fine of \$500, plus costs.

**CHEESE**

**19226. Adulteration and misbranding of process American cheese. U. S. v. 42 Cartons \* \* \*. (F. D. C. No. 33499. Sample No. 53131-L.)**

**LIBEL FILED:** On or about August 13, 1952, Western District of Missouri.

**ALLEGED SHIPMENT:** On or about July 2, 1952, by Todd Cheese Products, Inc., from Girard, Kans.

**PRODUCT:** 42 cartons, each containing 6 5-pound loaves, of process American cheese at Carthage, Mo.

**LABEL, IN PART:** "Jayhawk Brand Pasteurized Process Cheese."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), an article containing more than 40 percent of moisture had been substituted in whole or in part 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.

**DISPOSITION:** September 1952. Carthage Creamery Company, Inc., Carthage, Mo., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency.

The product was reworked to remove the excess moisture.

### MISCELLANEOUS DAIRY PRODUCTS

**19227. Adulteration and misbranding of homogenized evaporated milk. U. S. v. 188 Cases \* \* \*. (F. D. C. No. 32924. Sample No. 22434-L.)**

**LIBEL FILED:** March 31, 1952, Southern District of Texas.

**ALLEGED SHIPMENT:** On or about January 13, 1952, by the Producers Creamery Co., from Springfield, Mo.

**PRODUCT:** 188 cases, each containing 48 13-ounce cans, of homogenized evaporated milk at Houston, Tex.

**LABEL, IN PART:** (Cases) "Vitamin D Added Daricraft Homogenized Evaporated Milk \* \* \* The Vitamin D Content Of Daricraft Evaporated Milk Has Been Increased By The Addition of 25 U. S. P. Units of Vitamin D \* \* \* Per Fluid Ounce \* \* \* 13 Oz. Fluid Measure."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, vitamin D, had been in whole or in part omitted.

Misbranding, Section 403 (a), the label statement "The Vitamin D Content Of Daricraft Evaporated Milk Has Been Increased By The Addition of 25 U. S. P. Units of Vitamin D \* \* \* Per Fluid Ounce" was false and misleading since the product contained approximately 15 U. S. P. units of vitamin D per fluid ounce.

**DISPOSITION:** On or about April 15, 1952, the shipper, 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 reprocessed, under the supervision of the Food and Drug Administration.

**19228. Adulteration and misbranding of nonfat dry milk solids. U. S. v. 45 Bags \* \* \*. (F. D. C. No. 34068. Sample No. 34686-L.)**

**LIBEL FILED:** September 25, 1952, Eastern District of Missouri.

**ALLEGED SHIPMENT:** On or about June 17, 1952, by Dairy Belle Foods, Inc., from Chicago, Ill.

**PRODUCT:** 45 100-pound bags of nonfat dry milk solids at St. Louis, Mo. Analysis showed that the product was prepared from neutralized sour skim milk.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), an article prepared from neutralized sour skim milk had been substituted in whole or in part for nonfat dry milk solids.

Misbranding, Section 403 (a), the label statement "Non-fat Dry Milk Solids" was false and misleading as applied to an article prepared from neutralized sour skim milk.

**DISPOSITION:** November 5, 1952. The Dried Milk Products Cooperative, Eau Claire, Wis., 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 sold for use as animal feed, under the supervision of the Federal Security Agency.