

DAIRY PRODUCTS**BUTTER**

20812. Adulteration of butter. U. S. v. Beaver Meadow Creamery, Inc., and Joseph J. Kirk. Pleas of nolo contendere. Fine of \$200 against each defendant, plus costs. (F. D. C. No. 35117. Sample Nos. 7693-L, 49804-L.)

INFORMATION FILED: July 13, 1953, Western District of Pennsylvania, against Beaver Meadow Creamery, Inc., Du Bois, Pa., and Joseph J. Kirk, president of the corporation.

ALLEGED SHIPMENT: On or about February 22, 1952, and January 14, 1953, from the State of Pennsylvania into the States of New York and New Jersey.

LABEL, IN PART: (Portion) "Beaver Meadow Brand Creamery Butter."

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

DISPOSITION: July 30, 1953. The defendants having entered pleas of nolo contendere, the court fined each defendant \$200, plus costs.

20813. Misbranding of butter. U. S. v. David E. Glatt (Sni-A-Bar Creamery Co.). Plea of guilty. Fine of \$150, plus costs. (F. D. C. No. 35094. Sample Nos. 16679-L, 16680-L.)

INFORMATION FILED: June 23, 1953, Western District of Missouri, against David E. Glatt, trading as the Sni-A-Bar Creamery Co., Independence, Mo.

ALLEGED SHIPMENT: On or about July 24, 1952, from the State of Missouri into the State of Kansas.

LABEL, IN PART: "5 Lbs. Net Fine Quality Creamery Butter Patties."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents. The label statement "5 Lbs. Net" was inaccurate since the cartons of the article contained less than 5 pounds net.

DISPOSITION: July 10, 1953. The defendant having entered a plea of guilty, the court fined him \$150, plus costs.

CHEESE

20814. Adulteration and misbranding of pasteurized process cheese food and pasteurized process cheese. U. S. v. Bluebird Dairy Products Corp., Michael A. Russo, John Russo, and Joseph P. Russo. Pleas of guilty. On adulteration counts of information, corporation fined \$500, John Russo and Michael A. Russo each fined \$600, and Joseph P. Russo \$300. On misbranding counts, imposition of sentence suspended as to all defendants. (F. D. C. No. 33806. Sample Nos. 6247-L, 6605-L, 26140-L to 26143-L, incl.)

INFORMATION FILED: June 4, 1953 Southern District of New York, against the Bluebird Dairy Products Corp., New York, N. Y., Michael A. Russo, president, John Russo, vice president, and Joseph P. Russo, secretary-treasurer.

ALLEGED SHIPMENT: On or about February 25, March 25, and April 7, 1952, from the State of New York, into the States of Rhode Island, Pennsylvania, and New Jersey.

LABEL, IN PART: (Carton) "Bluebird Pasteurized Process Cheese Food" and "Village Cheese Pasteurized Process American."

NATURE OF CHARGE: Pasteurized process cheese food. Adulteration, Section 402 (b) (2), a product containing less than 23 percent of fat and more than 44 percent of moisture was substituted for pasteurized process cheese food. Misbranding, Section 403 (a), the label statement "Not more than 44% moisture, not less than 23% fat" was false and misleading; and, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for pasteurized process cheese food since it contained less than 23 percent of fat and more than 44 percent of moisture. Further misbranding, Section 403 (g) (2), the article as packaged in the cartons was contained in a pouch, and the pouch label failed to bear the name of the food specified in the definition and standard of identity; and the label failed to bear the common name of the optional ingredient, disodium phosphate.

Pasteurized process cheese. Adulteration, Section 402 (b) (2), a product, the solids of which contained less than 50 percent of fat and more than 40 percent of moisture, was substituted for pasteurized process cheese. Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for pasteurized process cheese in that it contained in its solids less than 50 percent of fat and more than 40 percent of moisture.

DISPOSITION: February 15, 1954. Pleas of guilty having been entered, the court imposed on the adulteration counts of the information a fine of \$500 against the corporation, fines of \$600 against both John Russo and Michael A. Russo, and a fine of \$300 against Joseph P. Russo. On the misbranding counts, the court suspended the imposition of sentence as to all defendants.

MILK

20815. Adulteration of dehydrated goat's milk. U. S. v. 604 Cans * * *. (F. D. C. No. 35001. Sample No. 8075-L.)

LIBEL FILED: April 20, 1953, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about July 31, 1948, from Oakland, Calif.

PRODUCT: 604 8-ounce cans of dehydrated goat's milk at Pittsburgh, Pa.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: June 4, 1953. Default decree of condemnation. The court ordered that the product be delivered to a city institution, for use as animal feed.

FISH AND SHELLFISH

20816. Adulteration of frozen yellow-tail flounders. U. S. v. 3,275 Pounds * * *. (F. D. C. No. 35217. Sample No. 50077-L.)

LIBEL FILED: May 4, 1953, Southern District of New York.

ALLEGED SHIPMENT: On or about July 11, 1952, from various shippers in Massachusetts.