

PRODUCT: 10 cases, each containing 24 12-ounce packages, of brownie mix; 15 cases, each containing 24 12-ounce packages, and 22 cases, each containing 12 12-ounce packages, of blueberry muffin mix; and 5 cases, each containing 12 2-pound packages, of whole grain oats, at Philadelphia, Pa.

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

DISPOSITION: February 10, 1954. Default decree of condemnation and destruction.

DAIRY PRODUCTS

BUTTER

21318. Adulteration of butter. U. S. v. 5 Cartons (320 pounds) * * *. (F. D. C. No. 35854. Sample No. 45578-L.)

LIBEL FILED: October 1, 1953, District of Massachusetts.

ALLEGED SHIPMENT: On or about September 11, 1953, by the Fairmont Foods Co., from Omaha, Nebr.

PRODUCT: 5 64-pound cartons of butter at Worcester, Mass. Examination showed that the article was made from filthy cream and was contaminated with insect and manure filth.

LABEL, IN PART: "Fairmont Sweet Butter * * * Packed By Fairmont Foods Co. Omaha Nebr."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance.

DISPOSITION: January 18, 1954. Default decree of condemnation and destruction.

21319. Adulteration of butter. U. S. v. 83 Boxes (4,980 pounds) * * *. (F. D. C. No. 35888. Sample No. 84078-L.)

LIBEL FILED: December 4, 1953, Northern District of Illinois.

ALLEGED SHIPMENT: On or about November 18, 1953, by the John Wuethrich Creamery Co., from Greenwood, Wis.

PRODUCT: 83 60-pound boxes of butter at Chicago, Ill.

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

DISPOSITION: February 25, 1954. Fox DeLuxe Foods, Inc., Chicago, Ill., 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 Department of Health, Education, and Welfare.

CHEESE

21320. Misbranding of cheddar cheese. U. S. v. Minerva Dairy, Inc., and Delbert L. Mueller. Pleas of guilty. Fine of \$200 against each defendant. (F. D. C. No. 35794. Sample Nos. 55861-L, 55864-L.)

INFORMATION FILED: March 1, 1954, Northern District of Ohio, against Minerva Dairy, Inc., Minerva, Ohio, and Delbert L. Mueller, vice president and plant manager of the corporation.

ALLEGED SHIPMENT: On or about June 16, 1953, from the State of Ohio into the State of Pennsylvania.

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Pasteurized" was false and misleading since such statement represented and suggested that the article was made from pasteurized milk, whereas it was not made from pasteurized milk.

Further misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for cheddar cheese since it contained more than 39 percent of moisture and its solids contained less than 50 percent of milk fat.

DISPOSITION: March 12, 1954. The defendants having entered pleas of guilty, the court fined each defendant \$200.

21321. Adulteration of cheddar cheese. U. S. v. 21 Cheeses * * *. (F. D. C. No. 35991. Sample No. 19738-L.)

LIBEL FILED: November 25, 1953, District of Minnesota.

ALLEGED SHIPMENT: On or about November 14, 1953, by the Minneapolis, St. Paul & Sault Ste. Marie Railroad Co., from Honey Creek (Burlington), Wis.

PRODUCT: 21 cheddar cheeses, each weighing approximately 70 pounds, at Minneapolis, Minn. The product was involved in a train wreck while in transit.

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 nondescript dirt.

DISPOSITION: December 10, 1953. The Minneapolis, St. Paul & Sault Ste. Marie Railroad Co., Minneapolis, Minn., 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 salvaging of the good portion under the supervision of the Department of Health, Education, and Welfare.

The product was commingled with the product involved in the following notice of judgment, No. 21322, for purposes of salvage. As a result of the salvaging operations, 1,460 pounds of the commingled product were found to be good and were released, and 2,595 pounds were found to be unfit and were destroyed.

21322. Adulteration of cheddar cheese. U. S. v. 36 Cheeses * * *. (F. D. C. No. 36011. Sample No. 19741-L.)

LIBEL FILED: December 4, 1953, District of Minnesota.

ALLEGED SHIPMENT: On or about November 16, 1953, by the Soo Line Railroad Co., from Burlington, Wis.

PRODUCT: 36 cheddar cheeses, each weighing 70 pounds, at Minneapolis, Minn. The product was involved in a train wreck while in transit.

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 dirt and mold.

DISPOSITION: December 10, 1953. The Minneapolis, St. Paul & Sault Ste. Marie Railroad Co., Minneapolis, Minn., 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 salvaging of the good portion under the supervision of the Department of Health, Education, and Welfare.