

CHEESE

17070. Adulteration and misbranding of grated cheese. U. S. v. 72 Boxes
* * *. (F. D. C. No. 30357. Sample No. 81698-K.)

LABEL FILED: On or about January 3, 1951, District of New Jersey.

ALLEGED SHIPMENT: On or about December 11, 1950, by the Rialto Food Products Co., from Philadelphia, Pa.

PRODUCT: 72 boxes, each containing 12 1¼-ounce canisters, of grated cheese at Camden, N. J.

LABEL, IN PART: "Rialto Italian Style Grated Cheese."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a substance high in lactose had been substituted in whole or in part for Italian style grated cheese, which the product was represented to be.

Misbranding, Section 403 (a), the label designation "Italian Style Grated Cheese" was false and misleading since the article contained a milk product other than cheese.

DISPOSITION: January 30, 1951. Default decree of condemnation. The court ordered that the product be delivered to a charitable organization, after destruction of the labels.

MISCELLANEOUS DAIRY PRODUCTS

17071. Alleged misbranding of whipping cream. U. S. v. The Borden Co. and Charles H. Young. Pleas of not guilty. Tried to the court and jury. Verdict of not guilty. (F. D. C. No. 29629. Samples Nos. 49747-K, 49778-K.)

INFORMATION FILED: November 10, 1950, Northern District of Texas, against the Borden Co., a corporation, Amarillo, Tex., and Charles H. Young, plant manager.

ALLEGED SHIPMENT: On or about April 19 and May 16, 1950, from the State of Texas into the State of Oklahoma.

LABEL, IN PART: "Borden's Whipping Cream The Borden Co. Amarillo, Texas."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), it was alleged that the product failed to conform to the definition and standard of identity for whipping cream in that it contained less than 30 percent of milk fat, as required by the standard.

DISPOSITION: February 9, 1951. Pleas of not guilty having been entered, the case was tried before the court and jury, which returned a verdict of not guilty.

17072. Adulteration and misbranding of oleomargarine. U. S. v. Swift & Co. Plea of nolo contendere. Fine, \$1,002. (F. D. C. No. 29652. Sample Nos. 73536-K, 79440-K.)

INFORMATION FILED: November 17, 1950, District of New Jersey, against Swift & Co., Jersey City, N. J.

ALLEGED SHIPMENT: On or about March 27 and April 3, 1950, from the State of New Jersey into the States of Massachusetts and Connecticut.

LABEL, IN PART: "Gem Margarine [or "Swift's Allsweet"] One Lb. Net Vegetable Oleomargarine * * * Manufactured By Swift & Company, General Office, Chicago, Ill."

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

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for oleomargarine since it contained less than 80 percent of fat, the minimum permitted by the standard.

DISPOSITION: February 2, 1951. A plea of nolo contendere having been entered, the court imposed a fine of \$1,002.

17073. Adulteration and misbranding of Instant Whip. U. S. v. 500 Cylinders
* * *. (F. D. C. No. 30260. Sample No. 80055-K.)

LABEL FILED: November 17, 1950, District of Maine.

ALLEGED SHIPMENT: On or about November 9, 1950, by the Aerated Products Co., from Boston, Mass.

PRODUCT: 500 cylinders, each containing approximately 7 ounces, of Instant Whip at Portland, Maine.

LABEL, IN PART: (Cap) "Pasteurized Instant Whip Keep Contents Cold Cream with added serum solids, gelatine, nitrous oxide gas and sugar, flavored with imitation vanilla."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, milk fat, had been in part omitted.

Misbranding, Section 403 (g) (1), the product purported to be whipping cream, a food for which a definition and standard of identity has been prescribed by regulations, and it failed to conform to the definition and standard since it contained less than 30 percent of milk fat.

DISPOSITION: February 5, 1951. The shipper having consented to the destruction of the product, judgment of condemnation was entered and the court ordered that the contents of the containers be destroyed, but that the containers be returned to the shipper, conditioned that the marshal be reimbursed by the shipper for any expenses incident to carrying out the provisions of the decree.

FEEDS AND GRAINS

17074. Adulteration and misbranding of dairy feed. U. S. v. 18 Bags * * *
(F. D. C. No. 30356. Sample No. 82258-K.)

LABEL FILED: December 27, 1950, Northern District of West Virginia.

ALLEGED SHIPMENT: On or about February 9, 1950, by the Northern Supply Co., from Amery, Wis.

PRODUCT: 18 100-pounds bags of dairy feed at Grantsville, W. Va.

LABEL, IN PART: (Tag) "Banner Dairy Feed 20 Per Cent Protein."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, protein, had been in part omitted.

Misbranding, Section 403 (a), the label designation "20 Per Cent Protein" was false and misleading since the product contained less than 20 percent of protein.