

DISPOSITION: December 19, 1950. The Sugar Creek Creamery Co., Danville, 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 conversion into butter oil, under the supervision of the Federal Security Agency.

17167. Adulteration of butter. U. S. v. 2 Boxes (128 pounds) * * *. (F. D. C. No. 30448. Sample No. 91059-K.)

LIBEL FILED: November 14, 1950, Southern District of New York.

ALLEGED SHIPMENT: On or about November 3, 1950, by Brainerd Creamery & Produce, from Brainerd, Minn.

PRODUCT: 2 boxes, each containing 64 pounds, of butter at New York, N. Y.

LABEL, IN PART: "Creamery Butter Distributed By Breakstone Bros. Inc. N. Y."

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: December 15, 1950. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution for consumption and not for sale.

17168. Adulteration of butter. U. S. v. 300 Cases * * *. (F. D. C. No. 30449. Sample Nos. 92763-K, 92804-K.)

LIBEL FILED: November 8, 1950, Southern District of Ohio.

ALLEGED SHIPMENT: On or about May 11, 1950, by the Linwood Creamery, from Wichita, Kans.

PRODUCT: 300 cases, each containing 63 pounds, of butter at Cincinnati, Ohio.

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: November 17, 1950. The Merchants Creamery Co., Cincinnati, Ohio, claimant, having admitted the allegations of the libel, 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.

CHEESE

17169. Adulteration and misbranding of grated cheese. U. S. v. 7 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 30411, 30414. Sample Nos. 5333-L, 25096-L.)

LIBELS FILED: January 29 and February 1, 1951, Eastern District of Pennsylvania and District of Massachusetts.

ALLEGED SHIPMENT: On or about November 1 and 21, 1950, by the Jay-Arr Food Packers, from Jersey City, N. J.

PRODUCT: 15 cases, each containing 24 2-ounce jars, of grated cheese at Reading, Pa., and Rockland, Mass.

LABEL, IN PART: (Jar) "Chef's 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 grated cheese.

Misbranding, Section 403 (a), the name "Grated Cheese" was false and misleading as applied to an article which contained a milk product other than cheese; Section 403(e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents (the article was short of the declared weight); and, Section 403(i) (2), the article was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient.

DISPOSITION: March 12 and April 2, 1951. Default decrees of condemnation and destruction.

17170. Adulteration and misbranding of processed cheese food. U. S. v. 5 Cases, etc. (F. D. C. No. 30122. Sample No. 85047-K.)

LABEL FILED: November 17, 1950, Western District of Virginia.

ALLEGED SHIPMENT: On or about October 20, 1950, by H. M. Scott, Inc., from Sweetwater, Tenn.

PRODUCT: Processed cheese food. 5 cases, each containing 15 2-pound packages, and 7 cases, each containing 6 5-pound packages, at Bristol, Va.

LABEL, IN PART: (Portion) "Scott's Mountain Dale Processed Cheese Food Net Weight 2 Lbs. 45% Fat, Water Free Minimum, 45% Moisture Maximum"; (remainder) "Scott's Mountain Dale Processed Cheese Food Net Weight 5 Lbs. 30% Fat, Water Free Minimum, 41% Moisture Maximum."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing more moisture and less fat than declared on the labels had been substituted in whole or in part for the product.

Misbranding, Section 403 (a), the label statements (2-pound size) "45% Fat, Water Free Minimum, 45% Moisture Maximum" and (5-pound size) "30% Fat, Water Free Minimum, 41% Moisture Maximum" were false and misleading since the product contained more moisture and less fat than the stated amounts.

DISPOSITION: January 20, 1951. Default decree of condemnation and destruction.

FISH AND SHELLFISH

17171. Adulteration of canned mackerel. U. S. v. 601 Cases * * *. (F. D. C. No. 30453. Sample No. 82110-K.)

LABEL FILED: December 22, 1950, Middle District of Georgia.

ALLEGED SHIPMENT: On or about November 2, 1950, by E. W. & George Rawlins, from Wilmington, Calif.

PRODUCT: 601 cases, each containing 48 15-ounce cans, of mackerel at Albany, Ga.

LABEL, IN PART: "Cal-Cap Brand California Jack Mackerel * * * Packed By Cal Cap Fisheries Inc. Wilmington Calif."

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

DISPOSITION: January 17, 1951. Default decree of condemnation and destruction.