

13594. Adulteration and misbranding of cream cheese. U. S. v. East Smithfield Farms, Inc., and Jesse E. Brownback. Pleas of guilty. Each defendant fined \$350 and placed on 2 years' probation. (F. D. C. No. 24796. Sample Nos. 87902-H, 8808-K, 8813-K, 8814-K.)

INFORMATION FILED: June 14, 1948, Middle District of Pennsylvania, against East Smithfield Farms, Inc., East Smithfield, Pa., and Jesse E. Brownback, president of the corporation.

ALLEGED SHIPMENT: On or about July 8, September 30, and October 3, 1947, from the State of Pennsylvania into the State of New York.

LABEL, IN PART: (Boxes) "Smithfield Cream Cheese" or "Cream Cheese * * * Distributed By Sam Henne & Son Bayonne, N. J."; (Cans) "Cream Cheese."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing more than 55 percent of moisture and portions of which contained less than 33 percent of milk fat had been substituted for cream cheese, a product which should contain not more than 55 percent of moisture and not less than 33 percent of milk fat as provided by the regulations.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for cream cheese, since it contained more moisture and portions contained less milk fat than provided by the regulations.

DISPOSITION: July 20, 1948. Pleas of guilty having been entered, both defendants were fined \$50 on each of the first 7 counts of the information; imposition of sentence on the eighth count was suspended, and both defendants were placed on probation for 2 years.

13595. Adulteration and misbranding of cream cheese. U. S. v. Columbia Cheese Co., Inc. Plea of guilty. Fine, \$200. (F. D. C. No. 24075. Sample Nos. 87926-H, 87936-H.)

INFORMATION FILED: January 15, 1948, District of New Jersey, against Columbia Cheese Co., Inc., Newark, N. J.

ALLEGED SHIPMENT: On or about August 5 and 11, 1947, from the State of New Jersey into the State of New York.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product deficient in milk fat and containing excess moisture had been substituted for cream cheese.

Misbranding, Section 403 (g) (1), the product failed to conform to the definition and standard of identity for cream cheese, since it contained less than 33 percent of milk fat and more than 55 percent of moisture.

DISPOSITION: July 16, 1948. A plea of guilty having been entered on behalf of the defendant, a fine of \$200 was imposed.

13596. Adulteration of Cheddar cheese. U. S. v. 8 Cheddars. (F. D. C. No. 23064. Sample No. 77583-H.)

LIBEL FILED: June 24, 1947, Western District of Wisconsin.

ALLEGED SHIPMENT: On or about June 5, 1947, by the Dubuque Cooperative Dairy Marketing Assoc., from Dubuque, Iowa.

PRODUCT: 8 73-pound Cheddar cheeses at Platteville, Wis.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing excessive moisture and deficient in milk fat had been substituted for Cheddar cheese.

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

DISPOSITION: July 21, 1947. Default decree of condemnation. The product was ordered delivered to a charitable institution.

13597. Misbranding of cheese in brandy. U. S. v. John Kooren. Plea of guilty. Fine, \$300. (F. D. C. No. 24806. Sample Nos. 4007-K, 4017-K.)

INFORMATION FILED: September 7, 1948, Southern District of New York, against John Kooren, New York, N. Y.

ALLEGED SHIPMENT: On or about November 26, 1947, from the State of New York into the State of Massachusetts.

LABEL, IN PART: "Roquefort-Type Cheese In Brandy [or "Cheddar Cheese In Port Wine" or "Stilton Cheese In Port Wine"] Net Wt.—5 Ozs. Packed for S. S. Pierce Co., Boston, Mass."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the label failed to bear an accurate statement of the quantity of the contents, since the jars contained less than the declared 5 ounces; and, Section 403 (a), the statement "In Brandy" borne on the labels of the "Roquefort-Type Cheese" was false and misleading, since the product did not contain brandy.

DISPOSITION: September 15, 1948. A plea of guilty having been entered, the defendant was fined \$300.

13598. Misbranding of cheese. U. S. v. June Dairy Products Co., Inc. Plea of guilty. Fine, \$50. (F. D. C. No. 24816. Sample No. 9737-K.)

LIBEL FILED: July 7, 1948, District of New Jersey, against June Dairy Products Co., Inc., Jersey City, N. J.

ALLEGED SHIPMENT: On or about December 23, 1947, from the State of New Jersey into the State of New York.

LABEL, IN PART: (Crocks) "June Dairy Colonial Cheese Snack Sampler Net Weight 4 Ounces [or "8 Ounces" or "12 Ounces"]."

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 crocks contained less than the labeled weight.

DISPOSITION: September 27, 1948. A plea of guilty having been entered on behalf of the defendant, a fine of \$50 was imposed.

MISCELLANEOUS DAIRY PRODUCTS

13599. Adulteration and misbranding of nonfat dry milk solids. U. S. v. Kraft Cheese Co. Plea of nolo contendere. Defendant fined \$300 and placed on probation for 18 months. (F. D. C. No. 20111. Sample No. 24393-H.)

INFORMATION FILED: August 5, 1946, District of Minnesota, against the Kraft Cheese Co., Hutchinson, Minn.

ALLEGED SHIPMENT: On or about March 23, 1945, from the State of Minnesota into the State of Louisiana.

LABEL, IN PART: "Lacalac Controlled Quality Roller Process Nonfat Dry Milk Solids Net Weight 225 Pounds Kraft Cheese Company Distributor Chicago, Illinois."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product consisting of partially neutralized sour dried skim milk had been substituted for nonfat dry milk solids.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for nonfat dry milk solids, since such definition and standard requires that nonfat dry milk solids shall be made from sweet milk of cows, whereas the article was made from partially neutralized sour skim milk.

DISPOSITION: February 9, 1948. A plea of nolo contendere having been entered, the court imposed a fine of \$300 and placed the defendant on probation for 18 months.

13600. Adulteration of cream. U. S. v. 15 Cans * * * (and 1 other seizure action). (F. D. C. No. 18283. Sample Nos. 30401-H, 30402-H.)

LIBELS FILED: August 22, 1945, District of Colorado.

ALLEGED SHIPMENT: On or about August 19, 1945, by Clyde Arnold, from Arnold, Nebr., and Frank Kalous, from Sumner, Nebr.

PRODUCT: Cream. 22 10-gallon cans at Denver, Colo.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy, decomposed, or putrid animal substance. (Examination showed that the product contained rodent hairs, insects, insect parts, manure, and an excessive amount of nondescript matter.)

DISPOSITION: August 22, 1945. The consignee having consented to the entry of decrees, the product was ordered destroyed.

13601. Adulteration of oleomargarine. U. S. v. 147 Cases * * *. (F. D. C. No. 24627. Sample Nos. 26051-K, 26052-K.)

LIBEL FILED: May 7, 1948, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about March 19, 1948, from Chicago, Ill.