

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 224, FOOD AND DRUGS ACT.

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### ADULTERATION OF LIQUID EGGS.

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given that on the 21st day of December, 1909, in the District Court of the United States for the Southern District of New York, judgment was rendered in the case of the United States against 144 cans of frozen eggs, wherein a libel was filed under section 10 of the aforesaid act, alleging in substance that 144 cans of liquid eggs, frozen, which had been shipped from Boston, Mass., to New York City, were adulterated in that each of the aforesaid cans contained an article of food, to wit, liquid eggs, to which formaldehyde, a poisonous substance injurious to health, had been added; and further adulterated in that said eggs were composed wholly or in part of filthy, decomposed, and putrid matter.

The libel prayed process against all claimants to said liquid eggs and seizure and condemnation of the same. No claimant having appeared to make answer to the libel, the court rendered the following decree:

At a stated Term of the District Court of the United States of America, for the Southern District of New York, held at the United States Court Rooms, in the City of New York, in the said District, on the 21st day of December, in the year of our Lord one thousand nine hundred and nine.

Present—The Honorable GEORGE B. ADAMS, District Judge.

THE UNITED STATES OF AMERICA  
vs.  
ONE HUNDRED FORTY-FOUR CANS FROZEN EGGS. }

#### FINAL DECREE.

The monition issued in this cause, having been heretofore returned, and the usual proclamation having been made, and the default of all persons being duly entered, it is thereupon on motion of Henry A. Wise, Esq., Attorney for the United States,

ordered, sentenced, and decreed, by the Court, now here, and his Honor the District Judge, by virtue of the power and authority in him vested, doth hereby order, sentence, and decree, that the goods, wares, and merchandise above mentioned be, and the same accordingly are, condemned as forfeited to the United States.

And upon like motion it is further ordered, sentenced and decreed that the Clerk of this Court issue a writ of destruction to the Marshal of the District, directing the said Marshal to destroy said goods, wares and merchandise, the said writ to be returnable on the first Tuesday of January, 1910.

The facts which led to the above seizure were:

On or about November 29, 1909, there was found on the wharf of the New England Navigation Company, New York City, 144 cans of liquid eggs, which were originally consigned by Henry Sloan & Co. from Buffalo, N. Y., to Morris Brown of Boston, Mass. An inspector of the United States Department of Agriculture called at the establishment of the Boston consignee to collect a sample, which was refused by said consignee, acting upon the instructions of his immediate consignor, Sloan, who had stated to him in a letter that the eggs were doctored and should be hidden from the inspector and immediately shipped to Samuel Rottenberg, New York City. On November 27, 1909, they were reshipped by the said Morris Brown to said Rottenberg and were seized on Pier 18, North River, New York City, before delivery could be made to him.

Henry Sloan & Co., the first consignors, are dealers in "spot" and rotten eggs, which they claimed were marketed solely for tanners' use. Samuel Rottenberg of New York City, the last-named consignee, is a dealer engaged in bakers' supplies, the largest portion of his trade being in the distribution of eggs. The circumstances of the shipment and the business in which the parties are engaged warranted the assumption that said eggs were putrid and unfit for human consumption, whereupon, on November 29, 1909, the Secretary of Agriculture reported the foregoing facts to the United States attorney for the Southern District of New York, who filed the above libel, with the result hereinbefore stated.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *February 25, 1910.*

