

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 295, FOOD AND DRUGS ACT.

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### ADULTERATION AND MISBRANDING OF EGGS.

On or about December 28, 1909, the Buffalo Cold Storage Co., Buffalo, N. Y., shipped from the State of New York into the State of Pennsylvania 70 cases of eggs, each case marked "ANo933." Analysis of samples of this product made in the Bureau of Chemistry, United States Department of Agriculture, showed it to be adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States Attorney for the Western District of Pennsylvania.

In due course a libel was filed against the said 70 cases of eggs, charging that the product was adulterated and misbranded in that it was in whole or in part filthy, decomposed, and in a moldy condition and unfit for food.

On February 8, 1910, no answer having been filed to the above-mentioned libel, the case came on for final hearing and the court rendered its decree of condemnation and forfeiture in substance and form as follows:

#### DECREE.

And now, to wit, February 8, 1910, it appearing from the records that the Marshal has made return to the attachment and monition in the above stated case as follows:

"I hereby certify and report that I seized forty-three cases of eggs in the possession of E. Culver & Company and have the same in custody. Cited all persons in interest, by giving a true and attested copy to E. Culver, a member of the firm of E. Culver & Company, on the 15th day of January, A. D., 1910, at Pittsburgh, Pennsylvania." and the return day of said writ having passed and it appearing to the Court that no

claim has been interposed or answer made to the said writ and libel filed, now, therefore, on motion of John H. Jordan, United States Attorney, proclamation is made for all persons in interest or having anything to say why the said forty-three cases of eggs should not be condemned and ordered to be destroyed, and no person having intervened a claim, and the record disclosing the state of facts as set forth in the motion of the United States Attorney hereto attached, it is ordered, adjudged and decreed by the Court that the said forty-three cases of eggs attached as aforesaid, in the possession of E. Culver & Company, be and hereby are condemned and it is further ordered and directed by the Court that the United States Marshal, through whom the said attachment was made, is hereby ordered and directed to destroy the said forty-three cases of eggs so as to prevent their use in any manner or form for the purpose of human food.

The Clerk of the said District Court is hereby directed to issue to the said Marshal a proper order or writ under the seal of the Court, directing him to carry into effect this order and decree of the court.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *April 14, 1910.*

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