

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 878, FOOD AND DRUGS ACT.

ADULTERATION OF FROZEN EGGS.

On or about December 19, 1910, the Bennet Howard Company, Chicago, Ill., shipped from the State of Illinois into the State of Massachusetts 10 cases of a food product invoiced and sold as frozen eggs. Sample from this shipment was procured and examined by the Bureau of Chemistry, United States Department of Agriculture, and two portions taken from said sample showed, respectively, 12,500,000 bacteria per cc., of which 10,000 were of the gas-producing type, and 20,600,000 bacteria per cc., of which 1,000,000 were of the gas-producing type. As it appeared from the findings of the analyst and report thereon that the product was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, and that the said shipment was therefore liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the District of Massachusetts.

On January 13, 1911, a libel was filed in the District Court of the United States for said district against the said 10 cases of frozen eggs, charging the above shipment and alleging the product so shipped to be adulterated, in that it consisted in part of a filthy, decomposed, and putrid animal or vegetable substance, and praying seizure, condemnation, and forfeiture of the product.

On February 15, 1911, the cause coming on for hearing and no claim to the product having been filed or answer made to the above libel, the court, being fully informed in the premises, issued its decree condemning and forfeiting the product to the use of the United States for the cause alleged in said libel, and ordering the destruction of the product by the marshal of said district.

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., *May 13, 1911.*