

## United States Department of Agriculture,

### OFFICE OF THE SECRETARY.

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#### NOTICE OF JUDGMENT NO. 970, FOOD AND DRUGS ACT.

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##### ADULTERATION OF FROZEN EGGS.

On or about January 9, 1911, there were received at St. Louis, Mo., 736 tubs of frozen eggs which had been shipped to said city from Chicago, Ill. Samples were procured from these shipments and examined bacteriologically by the Bureau of Chemistry, United States Department of Agriculture, and the product was found to contain an excessive number of organisms, a considerable number of which 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 was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Eastern District of Missouri.

In due course a libel was filed in the District Court of the United States for said district against the said 736 tubs of frozen eggs, charging the above shipment and alleging that the product so shipped was adulterated in that it consisted in large part of organisms and bacteria varying in number from 31,000,000 to 35,000,000 organisms per cc., a large percentage of which organisms being of the gas-producing type, varying in number from 1,000,000 to 10,000,000 per cc., which showed said product to be filthy and decomposed, and praying seizure, condemnation, and forfeiture of the product.

On March 6, 1911, the cause came on for hearing and Herbert S. Johnson appeared as claimant of the product, admitting the shipment of the eggs and the allegations of the above libel, and requesting that he be permitted to take the property seized upon the giving of a bond conditioned that it should not be sold in violation of law. Whereupon the court, being fully advised in the premises, issued its

decree finding 624 tubs of the product, the same being all that was found at time of seizure, to be adulterated as alleged in said libel, assessing the costs of these proceedings upon the above-mentioned claimant, and ordering the destruction of said product by the marshal of said district, which order was forthwith executed.

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., *June 19, 1911.*

