

United States Department of Agriculture,

BUREAU OF CHEMISTRY.

SERVICE AND REGULATORY ANNOUNCEMENTS.

NOTICE OF JUDGMENT NO. 2780.

(Given pursuant to section 4 of the Food and Drugs Act.)

U. S. v. 211 Cans of Frozen Whites of Eggs and 215 Cans of Frozen Egg Whites and Egg Yolks. Default decree of condemnation, forfeiture, and destruction as to 215 cans of frozen egg whites and egg yolks; 211 cans of frozen whites released to claimant.

ADULTERATION OF FROZEN EGG WHITES AND EGG YOLKS AND ALLEGED ADULTERATION OF FROZEN WHITES OF EGGS.

On July 23, 1910, the United States Attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 211 cans of frozen whites of eggs and 215 cans of frozen egg whites and egg yolks, remaining unsold in the original unbroken packages and owned by the European Egg Co., New York, N. Y., alleging that the product had been shipped from the State of Nebraska into the State of New York and charging adulteration in violation of the Food and Drugs Act. The product bore no label.

Adulteration of the product was alleged in the libel for the reason that each of said 211 cans contained an article of food, to wit, frozen whites of eggs, which, being animal substance, were in whole or in part filthy, putrid, and decomposed; and each of said 215 cans contained an article of food, to wit, frozen egg whites and egg yolks mixed, which, being an animal substance, were in whole or in part filthy, putrid, and decomposed.

On October 22, 1913, the European Egg Co., claimant, having filed its claim and answer, but having failed to appear when the case was called for a hearing, and the court having ordered an inquest and the United States having submitted proof in support

of the allegations as to the 215 cans and having waived all claim for forfeiture as to the 211 cans, and the court having directed a verdict in favor of the United States condemning the 215 cans and a verdict having been rendered pursuant to said direction, a judgment of condemnation and forfeiture was entered as to the 215 cans and it was ordered by the court that the product contained therein should be destroyed by the United States marshal and that the costs of the proceedings, amounting to \$61.81, be assessed against said claimant. It was further ordered that the 211 cans of frozen whites of eggs be released to said claimant.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *January 21, 1914.*

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