

3711. Adulteration of shell eggs. U. S. v. 300 Cases and 422 Cases, more or less, of Shell Eggs. Consent decree of condemnation and forfeiture. Part of product ordered destroyed; balance ordered delivered to claimant. (F. & D. No. 5893. I. S. Nos. 11401-k, 11402-k. S. No. C-82.)

On September 2, 1914, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 300 cases and 422 cases of shell eggs, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the product had been shipped on July 13 and 16, 1914, and transported from the State of Nebraska into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was alleged in the libels for the reason that when it was so shipped as aforesaid, it consisted wholly of a filthy animal substance; for the further reason that it consisted in part of a filthy animal substance; for the further reason that it consisted wholly of a decomposed animal substance; for the further reason that it consisted in part of a decomposed animal substance; for the further reason that it consisted wholly of a putrid animal substance; and for the further reason that it consisted in part of a putrid animal substance.

On November 16, 1914, the cause coming on to be heard, upon the libels and amended answers heretofore filed by the Perfection Egg Co., claimant, of Chicago, Ill., and upon motion of the United States for an order granting leave to withdraw the allegations in said libels charging that the shell eggs were adulterated in that they consisted wholly of a filthy animal substance, in that the shell eggs consisted in part of a filthy animal substance, in that the shell eggs aforesaid consisted wholly of a decomposed animal substance, and in that the shell eggs aforesaid consisted wholly of a putrid animal substance; and upon the motion of said United States attorney for an order declaring the shell eggs aforesaid to be adulterated in that they were in part decomposed and in part putrid; and it appearing to the court, and by consent of the parties, that the shell eggs were adulterated in violation of the Food and Drugs Act in that they were in part decomposed and were in part putrid, and it further appearing to the court to be necessary to separate such eggs as might be in part decomposed and in part putrid from such eggs as might be fit for food, it was therefore ordered and adjudged that the shell eggs were adulterated in that they were in part decomposed and in part putrid. It was further ordered by the court that the United States marshal should grant permission to certain parties to examine, upon the premises where the eggs were stored, the shell eggs aforesaid by means of the candling process. It was further ordered that said parties be directed to examine the shell eggs by means of the candling process, and in the employment of said process to separate such shell eggs as in their judgment should have whole yolks not stuck to the shells and not containing blood rings nor blood clots, and showing no mold, which should be designated as "good eggs," and that the remainder of said shell eggs should by said persons be designated as "bad eggs"; and after the said shell eggs should have been so designated as good eggs and bad eggs, as aforesaid, the good eggs should be plainly marked as such, and segregated by said persons from the eggs designated by them as bad eggs; and it was further ordered that the United States marshal be directed to destroy the shell eggs so segregated and designated as bad eggs, and further to deliver to the Perfection Egg Co., claimant, the shell eggs aforesaid so segregated from the entire quantity of shell eggs and designated as good eggs. It was further ordered that the costs in the action should be paid by said claimant.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 26, 1915.*