

5326. Adulteration of frozen eggs. U. S. * * * v. 720 * * * Cans of Frozen Eggs. Consent decree of condemnation and forfeiture. Portion of product ordered released and portion ordered destroyed. (F. & D. No. 7784. I. S. No. 2522-m. S. No. E-711.)

On October 23, 1916, 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 720 thirty-pound cans of frozen eggs, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the product had been shipped on or about September 7, 1916, by J. P. Tyler & Co., Chicago, Ill., and transported from the State of Illinois into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that it consisted particularly, in whole or in part, of a filthy, decomposed, and putrid animal product.

On October 28, 1916, F. M. Coughlan & Son, New York, N. Y., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$4,000, conditioned in part that the product should be sorted under the supervision of a representative of this department, and that the good portion should be delivered to the claimant for food purposes and the unfit portion destroyed or denatured.

R. A. PEARSON, *Acting Secretary of Agriculture.*