

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy, putrid, and decomposed animal substance, and for the further reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On April 20, 1920, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9624. Adulteration and misbranding of Eggette. U. S. * * * v. Edward Zimmer and Walfred F. Johnson (Bestever Products Co.). Pleas of guilty. Fine, \$25 and costs. (F. & D. No. 11222. I. S. Nos. 8162-p, 10004-p, 10125-p, 19451-p.)

On November 30, 1920, 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 an information against Edward Zimmer and Walfred F. Johnson, trading as the Bestever Products Co., Chicago, Ill., alleging shipment by said defendants, in violation of the Food and Drugs Act, from the State of Illinois, on or about March 26 and April 26, 1918, respectively, into the State of Missouri, on or about March 26, 1918, into the State of Louisiana, and on or about February 2, 1918, into the State of Texas, of quantities of Eggette which was adulterated and misbranded. The product involved in the consignments to Missouri was labeled in part, (package) "Eggette for Baking and Cooking * * * Contents Of This Package Saves The Use Of 12 Eggs * * * Use Eggette the same as you would eggs." The product involved in the consignment to Louisiana was labeled, in part, (box) "Reduce Your Egg Bill Use 'Eggette' Saves the Use of Eggs in Baking and Cooking * * *." The product involved in the consignment to Texas was labeled in part, (package) "Eggette for Baking And Cooking * * * Contents Of This Package Saves The Use of 36 Eggs * * *."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it was a mixture of starch and casein, containing coal-tar color and probably baking powder.

Adulteration of the article was alleged in the information for the reason that a mixture of starch and casein had been substituted for egg substitute, which the said article purported to be, and for the further reason that it was colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that certain statements on the label of the package containing the article and in an accompanying folder were false and misleading in that they represented to the purchaser thereof that the article was an egg substitute and could be used in place of eggs in cooking, and for the further reason that it was so labeled as to deceive and mislead the purchasers into the belief that it was an egg substitute and could be used in place of eggs in cooking, whereas, in fact and in truth, it was not an egg substitute and could not be used in place of eggs for cooking. Misbranding was alleged with respect to the product involved in the consignment of February 2, into Texas, for the further reason that the said article was an imitation of another article, to wit, an egg substitute, and was sold under the distinctive name of said other article.

On March 30, 1921, the defendants entered pleas of guilty to the information, and on July 1, 1921, the court imposed a fine of \$25 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*