

On September 5, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a Federal correctional institution.

EGGS

1559. Adulteration of shell eggs; adulteration and misbranding of butter. U. S. v. Roy Furr, Clem Boverie, Crone W. Furr, and Key Furr (Furr Food Stores). Pleas of guilty. Fine of \$12.50 imposed against each defendant. (F. D. C. No. 2914. Sample Nos. 70510-D, 6585-E.)

These eggs were in part decomposed and the butter was deficient in milk fat and short of the declared weight.

On March 4, 1941, the United States attorney for the Northern District of Texas filed an information against Roy Furr, Clem Boverie, Crone W. Furr, and Key Furr, trading as Furr Food Stores at Lubbock, Tex., alleging that the defendants shipped on or about February 20, 1940, from the State of Texas into the State of New Mexico a quantity of butter that was adulterated and misbranded and also shipped on or about July 16, 1940, from the State of Texas into the State of New Mexico a quantity of shell eggs that were adulterated. The butter was labeled in part: (Wrapper) "1 Lb. Net Weight Country Roll Fresh Creamery Butter."

The shell eggs were alleged to be adulterated in that they consisted in whole or in part of a decomposed substance.

The butter was alleged to be adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom; and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that the statement appearing on the wrappers, "1 Lb. Net Weight," was false and misleading since the rolls weighed less than 1 pound net; and in that it was in package form and did not bear on its label an accurate statement of the quantity of the contents in terms of weight.

On March 7, 1941, pleas of guilty having been entered, the court imposed a fine of \$12.50 against each defendant.

1560. Adulteration and misbranding of eggs. U. S. v. 2 Cases and 6 Cases of Eggs. Decree of condemnation. Product released under bond for recandling, repacking, and relabeling. (F. D. C. Nos. 3565, 3566. Sample Nos. 44525-E, 44529-E.)

These eggs, which were offered for sale as fresh eggs, were oil-treated cold storage eggs.

On December 21, 1940, the United States attorney for the District of New Mexico filed libels against 2 cases, each containing 30 dozen eggs, at Albuquerque, N. Mex., and 6 cases, each containing 30 cartons, of eggs at Santa Fe, N. Mex., alleging that the article had been shipped in interstate commerce on or about November 28 and December 2 and 6, 1940, by the Rhodes Ranch Egg Co. from Denver, Colo.; and charging that it was adulterated and misbranded. It was labeled in part: "Rhodes Nu Lade Eggs"; or "Rhodes * * * Quality Seeled Fresh Eggs."

The article was alleged to be adulterated in that cold storage eggs had been substituted for fresh eggs, which it purported to be.

A portion of the article was alleged to be misbranded in that the statement "Nu Lade Eggs" was false and misleading as applied to cold storage eggs. The remainder was alleged to be misbranded in that the statement "Seeled Fresh Eggs" was false and misleading since it implied that the article was fresh eggs.

On January 15, 1941, the Rhodes Ranch Egg Co. having appeared as claimant for the product, judgment of condemnation was entered and the product was ordered released under bond for recandling and repacking in properly labeled cases under the supervision of the Food and Drug Administration.

1561. Adulteration of frozen whole eggs. U. S. v. Rothenberg & Schneider Bros., Inc., and Herman Rothenberg and Solomon Schneider. Pleas of guilty. Fines, \$400 and costs. (F. D. C. No. 2976. Sample No. 8949-E.)

This product consisted in part of sour, putrid, and musty eggs.

On April 29, 1941, the United States attorney for the Northern District of Illinois filed an information against Rothenberg & Schneider Bros., Inc., Chicago, Ill., and Herman Rothenberg and Solomon Schneider, alleging shipment on or about October 19, 1940, from the State of Illinois into the State of Minnesota of a quantity of frozen whole eggs that were adulterated in that they consisted in whole or in part of decomposed and putrid substances. The article was labeled in part: "Whole Eggs * * * R & S Brand."

On June 2, 1941, pleas of guilty having been entered, the court imposed a fine of \$200 against the corporation and \$100 against each of the individual defendants. Costs also were imposed.

1562. Adulteration and misbranding of frozen whole eggs. U. S. v. Swift & Co. Plea of nolo contendere. Fine, \$200. (F. D. C. No. 2977. Sample Nos. 9849-E, 9855-E, 9860-E.)

Analysis showed that this product was a mixture of whole eggs and egg whites. On May 21, 1941, the United States attorney for the Southern District of Texas filed an information against Swift & Co., a corporation having a place of business at Houston, Tex., alleging shipment on or about July 15, 1940, from the State of Texas into the State of Illinois of a quantity of whole eggs that were adulterated and misbranded.

The article was alleged to be adulterated in that a mixture of whole eggs and egg whites had been substituted wholly or in part for whole eggs, which it purported to be.

It was alleged to be misbranded in that it purported to be or was represented as frozen whole eggs, a food for which a definition and standard of identity had been prescribed by regulations as provided by law, but did not conform to such definition and standard of identity in that the regulations prescribe that frozen whole eggs are the food prepared by freezing liquid eggs and that liquid eggs are eggs of the domestic hen broken from the shells and with yolks and whites in their natural proportion as so broken; whereas the article had not been prepared as required by said regulations but had been prepared by freezing a mixture of liquid eggs and added egg whites.

On June 25, 1941, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$200.

1563. Adulteration of frozen eggs. U. S. v. Wilson & Co., Inc. Plea of guilty. Fine, \$200. (F. D. C. No. 2949. Sample No. 349-E.)

This product was in whole or in part decomposed.

On March 11, 1941, the United States attorney for the Northern District of Illinois filed an information against Wilson & Co., Inc., Chicago, Ill., alleging shipment on or about February 27, 1940, from the State of Illinois into the State of North Carolina of a quantity of frozen eggs that were adulterated in that they consisted in whole or in part of a putrid or decomposed substance or were otherwise unfit for food.

On June 13, 1941, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$200.

1564. Adulteration of frozen whole eggs. U. S. v. 1,000 Cans of Frozen Whole Eggs. Consent decree of condemnation. Product ordered released under bond for salvaging fit portion. (F. D. C. No. 3363. Sample No. 8947-E.)

Examination showed the presence of decomposed eggs in this shipment.

On November 11, 1940, the United States attorney for the District of Minnesota filed a libel against 1,000 cans of frozen whole eggs at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about August 7, 1940, by the Fargo Creamery & Produce Co. from Fargo, N. Dak.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance.

On December 16, 1940, the DeSoto Creamery & Produce Co., of Minneapolis, Minn., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that only the fit portion be disposed of for human consumption.

1565. Adulteration of frozen eggs. U. S. v. 200 Cans of Frozen Whole Eggs. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 4738. Sample No. 53317-E.)

Examination of this product showed the presence of decomposed eggs.

On May 8, 1941, the United States attorney for the Southern District of California filed a libel against 200 cans of frozen eggs at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about April 8, 1941, by the Idaho Egg Producers from Caldwell, Idaho; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. It was labeled in part: "Idaho Best Frozen Egg Meats."

On May 26, 1941, R. E. Bivens, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemna-