

conform to such definition and standard since it contained less than 8.5 percent of milk fat.

On March 27, 1942, the Southern Pacific Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration.

EGGS

3505. Adulteration and misbranding of dried egg yolk. U. S. v. Rogol Distributors, Inc., John T. Robertson, and Charles Gogel. Pleas of guilty. Fine of \$200 against the defendant corporation. Fine of \$100 against the defendant Robertson. Fine of \$50 against the defendant Gogel. (F. D. C. No. 6496. Sample No. 69060-E.)

This product was found to consist of approximately 50 percent of soybean flour with added carotin.

On or about June 1, 1942, the United States attorney for the Eastern District of New York filed an information against Rogol Distributors, Inc., John T. Robertson, and Charles Gogel, Brooklyn, N. Y., alleging shipment on or about April 10, 1941, from the State of New York into the State of New Jersey of a quantity of dried egg yolk which was adulterated and misbranded. It was labeled in part: "Spray Hen Egg Yolk."

The article was alleged to be adulterated in that a substance, namely, a mixture of dried egg yolk and soybean flour containing added carotin had been substituted wholly or in part for dried egg yolk, which it purported to be; in that it was inferior to dried egg yolk since that it consisted of a mixture of dried egg yolk and soybean flour and had been colored with carotin to simulate a product consisting entirely of dried egg yolk in a manner whereby its inferiority to dried egg yolk was concealed; and in that soybean flour had been added thereto or mixed or packed therewith so as to reduce its quality and in that carotin had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.

It was alleged to be misbranded in that the statements, "Spray Hen Egg Yolk" and "Egg Yolk," borne in the cases, were false and misleading since they represented and suggested that it consisted entirely of dried egg yolk; whereas it did not consist entirely of dried egg yolk, but did consist of a mixture of egg yolk and soybean flour containing added carotin; in that it consisted of a mixture of egg yolk and soybean flour containing added carotin and was offered for sale under the name of another food, namely, "Spray Hen Egg Yolk" and "Egg Yolk"; in that it was fabricated from two or more ingredients and its label did not bear the common or usual name of each ingredient; in that it was in package form and did not bear a label containing the name and place of business of the manufacturer, packer, or distributor; in that it contained artificial coloring and did not bear labeling stating that fact; and in that it purported to be dried egg yolks a food for which a definition and standard of identity had been prescribed by law, but did not conform to such definition and standard of identity.

On June 20, 1942, pleas of guilty having been entered on behalf of all three defendants, the court imposed fines as follows: \$200 against the corporation, \$100 against defendant Robertson, and \$50 against defendant Gogel.

3506. Adulteration of spray dried whole eggs. U. S. v. 1. Barrel and 3 Barrels of Dried Whole Eggs. Default decrees of condemnation and destruction. (F. D. C. Nos. 7162, 7174. Sample Nos. 57459-E, 71421-E.)

Examination showed that this product was decomposed.

On April 6 and 9, 1942, the United States attorney for the Eastern District of Missouri filed libels against 4 barrels of dried whole eggs at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about February 27 and March 2, 1942, by F. M. Stamper Co. from Murray, Ky.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On May 8, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

3507. Adulteration of frozen whole eggs. U. S. v. Marvin Belzer (Belzer Egg Products Co.). Plea of nolo contendere. Fine, \$100. (F. D. C. No. 6444. Sample No. 56906-E.)

Samples of this product were found to be decomposed and to have a phenolic or disinfectant odor.