

charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On September 5, 1942, the Fergus County Creamery, 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.

**4149. Adulteration of frozen whole eggs. U. S. v. 27 Cans of Frozen Whole Eggs. Default decree of condemnation and destruction. (F. D. C. No. 8098. Sample No. 15456-F.)**

This product contained rodent hairs, insect fragments and nondescript dirt.

On August 12, 1943, the United States attorney for the Western District of Texas filed a libel against 27 30-pound cans of frozen whole eggs at El Paso, Texas, alleging that the article had been shipped in interstate commerce on or about May 19 and June 8, 1942, by Rhodes Ranch Egg Co., from Denver, Colo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On September 15, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4150. Adulteration of frozen whole eggs. U. S. v. 700 Cartons of Whole Eggs. Consent decree of condemnation. Product ordered released under bond to be brought into compliance with the law or destroyed. (F. D. C. No. 8103. Sample No. 9007-F.)**

On August 3, 1942, the United States attorney for the Northern District of Texas filed a libel against 700 cartons, each carton containing 30 pounds, of whole eggs at Fort Worth, Tex., alleging that the article had been shipped in interstate commerce on or about July 23, 1942, by the Falls City Creamery Co. from Falls City, Nebr.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On October 3, 1942, the Texas Dehydration Products Co., Fort Worth, Tex., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration or destroyed. The cartons containing unfit eggs were segregated and destroyed.

**4151. Adulteration and misbranding of frozen egg yolks. U. S. v. Rothenberg & Schneider Bros., Inc., Herman Rothenberg, and Sam Schneider. Plea of guilty on behalf of the corporation and nolo contendere by the individual defendants. Corporation fined \$25. Individual defendants found not guilty. (F. D. C. No. 7811. Sample Nos. 76587-E, 76596-E, 76787-E to 76789-E, incl.)**

On October 6, 1942, the United States attorney for the Northern District of Illinois filed an information against Rothenberg & Schneider Bros., Inc., Chicago, Ill., and Herman Rothenberg and Sam Schneider, alleging shipment within the period from on or about May 12 to on or about September 2, 1941, from the State of Illinois to the State of Minnesota of a quantity of egg yolks that were adulterated and misbranded. The article was labeled in part: "Yolks With Approx. 10% Sugar."

It was alleged to be adulterated in that a mixture of egg yolks, added egg whites, and approximately 10 percent of sugar had been substituted for egg yolks with approximately 10 percent sugar.

It was alleged to be misbranded in that the statement "Yolks With Approx. 10% Sugar" was false and misleading since the said statement represented and suggested that the article consisted of egg yolks with approximately 10 percent of sugar and no other ingredient, whereas it did not so consist but did consist of egg yolks, added egg whites, and sugar.

On October 12, 1942, a plea of guilty was entered on behalf of the defendant corporation and pleas of nolo contendere were entered by the individual defendants. On October 20, 1942, the court imposed a fine of \$25 against the corporation and found the individual defendants not guilty.

**4152. Adulteration of Eggomix. U. S. v. 103 Cans of Egg Whites (Eggomix). Default decree of condemnation and destruction. (F. D. C. No. 8028. Sample No. 9129-F.)**

Examination showed that this product contained vegetable fragments resembling those found in chicken excreta, feather fragments, rat or mouse hairs, insects and insect fragments, and sand particles.

On August 1, 1942, the United States attorney for the Eastern District of Louisiana filed a libel against 103 cans of Eggomix at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about June 1, 1942, by the U. S. Cold Storage Co. from Dallas, Tex.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Eggomix Egg Whites Containing a small percentage of yolks Distributed by Standard Brands Incorporated New York City."

On September 18, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4153. Adulteration of albumen skimmings. U. S. v. 5½ Barrels and 16 Barrels of Albumen Skimmings. Consent decrees of condemnation. Product ordered released under bond to be denatured.** (F. D. C. Nos. 8101, 8309. Sample Nos. 2207-F, 2210-F.)

Samples of this product were found to be decomposed and to contain insects, larvae, and insect fragments.

On August 13 and September 10, 1942, the United States attorney for the Northern District of Illinois filed a libel against 21½ barrels, each full barrel containing approximately 180 pounds, of albumen skimmings at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 17, 1942, by Joe Lowe Corporation from San Antonio, Tex.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance.

On August 21 and September 17, 1942, the Joe Lowe Corporation, claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond to be denatured under the supervision of the Food and Drug Administration and used for purposes other than human food.

#### FISH AND SHELLFISH

**4154. Adulteration of frozen mullet. U. S. v. 72 Boxes of Fish. Default decree of condemnation and destruction.** (F. D. C. No. 8160. Sample Nos. 28635-F, 28636-F.)

On August 24, 1942, the United States attorney for the Southern District of Florida filed a libel against 72 boxes, each containing 100 pounds, of frozen fish at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce on or about June 25, 1942, by Johnson & Co., Inc., from Atlanta, Ga.; and charging that it was adulterated, in that it consisted wholly or in part of a decomposed substance.

On September 18, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4155. Adulteration of canned mackerel. U. S. v. 9,551 Cases and 3,643 Cases of Canned Mackerel. Decrees of condemnation. Product ordered released under bond.** (F. D. C. No. 6821. Sample Nos. 23749-E, 23751-E, 23752-E.)

On February 5 and 16, 1942, the United States attorney for the Northern District of California filed libels against a total of 13,194 cases, each containing 24 cans, of mackerel at Oakland, Calif., alleging that the article had been shipped in interstate commerce on or about December 12, 1941, by the Quartermaster Corps from Schenectady, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Davis Bros. Atlantic Ocean Mackerel \* \* \* Davis Bros. Fisheries Co., Inc., Gloucester, Mass." or "Gorton's Atlantic Ocean Mackerel \* \* \* Packed by Gorton-Pew Fisheries Co., Ltd., Gloucester, Mass."

On April 22 and July 28, 1942, the Gorton-Pew Fisheries Co., Ltd., having filed a claim for the 3,643-case lot, and Davis Bros. Fisheries Co., Inc., having filed a claim for the 9,551-case lot, judgments of condemnation were entered and the product was ordered released under bond conditioned that it be brought into conformity with the law under the supervision of the Food and Drug Administration.

**4156. Misbranding of sardines. U. S. v. 1,850 Cases of Sardines. Consent decree of condemnation. Product released under bond for relabeling.** (F. D. C. No. 8387. Sample No. 22536-F.)

This product was short of the declared weight.

On September 18, 1942, the United States attorney for the Eastern District of Pennsylvania filed a libel against 1,850 cases, each containing 48 tins, of sardines