

On October 2, 1942, the consignee having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered ordering that the product be destroyed.

**4373. Adulteration of cream. U. S. v. 3 10-Gallon Cans of Cream. Consent decree of condemnation and destruction. (F. D. C. No. 8677. Sample No. 15305-F.)**

This product contained filth such as hairs similar to cat hairs, a fly, a spider, plant fibers, manure, and nondescript dirt.

On October 16, 1942, the United States attorney for the District of Colorado filed a libel against 3 10-gallon cans of cream at Colorado Springs, Colo., alleging that the article had been shipped in interstate commerce on or about October 12, 1942, by O. S. Reed from Amarillo, Texas; and charging that it was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On October 16, 1942, the consignee having admitted the allegations of the libel and having consented to the immediate destruction of the product, judgment was entered ordering that it be destroyed.

**4374. Adulteration and misbranding of condensed milk. U. S. v. 53 Cans of Condensed Sweetened Whole Milk. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 8436. Sample No. 14416-F.)**

This product contained less than 8.5 percent milk fat.

On September 28, 1942, the United States attorney for the Southern District of California filed a libel against 53 cases, each case containing 48 cans, of condensed sweetened whole milk at Vernon, Calif., alleging that the article had been shipped in interstate commerce on or about November 17, 1941, by Dietetic Laboratories, from New York, N. Y.; and charging that it was adulterated and misbranded. The article was labeled in part: (Cans) "Condensed Sweetened Whole Milk \* \* \* Prepared for the: 'Friesland' Coop. Condensed Milk Factory Leeuwarden-Holland."

The article was alleged to be adulterated in that a product deficient in milk fat had been substituted wholly or in part for sweetened condensed milk, which it purported to be.

It was alleged to be misbranded in that it purported to be and was represented as a food for which a definition and standard of identity had been prescribed by regulations promulgated pursuant to law, and it failed to conform to such definition and standard since it contained less than 8.5 percent milk fat, and such definition and standard provides that sweetened condensed milk should contain not less than 8.5 percent milk fat.

On October 29, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to one or more local charitable institutions.

**4375. Adulteration of ice cream mix. U. S. v. 24 Cases of Strawberry Flavor Brill's E-Z Freez. Default decree of condemnation. Product ordered distributed to charitable institutions. (F. D. C. No. 8679. Sample No. 21319-F.)**

This product contained strawberry seeds in much larger proportion than fruit tissues, indicating the presence of added seed.

On November 4, 1942, the United States attorney for the Western District of New York filed a libel against 24 cases, each containing 1 gross boxes, of the above-named product at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce within the period from on or about August 18 to on or about September 1, 1942, by the H. C. Brill Co., Inc., from Newark, N. J.; and charging that it was adulterated in that inferiority had been concealed by the addition of strawberry seeds, and in that strawberry seeds had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was. The article was labeled in part: (Boxes) "Strawberry Flavor Brill's E-Zee Freez For Making Ice Cream."

On December 12, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to various charitable institutions.

#### EGGS

**4376. Adulteration of frozen whole eggs. U. S. v. Produce Terminal Cold Storage Co. Plea of guilty. Fine, \$1. (F. D. C. No. 7316. Sample Nos. 74873-E, 74874-E.)**

On October 7, 1942, the United States attorney for the Northern District of Illinois filed an information against Produce Terminal Cold Storage Co., a

corporation, Chicago, Ill., alleging shipment on or about October 17, 1941, from the State of Illinois into the State of Connecticut of a quantity of frozen whole eggs that were adulterated in that they consisted in whole or in part of decomposed substances.

On November 6, 1942, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$1.

**4377. Adulteration of frozen whole eggs. U. S. v. 897 Cartons of Frozen Whole Eggs. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of the unfit portion. (F. D. C. No. 8463. Sample No. 18113-F.)**

On September 30, 1942, the United States attorney for the Eastern District of New York filed a libel against 897 cartons of frozen whole eggs at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about July 20, 1942, by the Tracy Produce Co., Inc., from Tracy, Minn.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On October 22, 1942, Nathan Erlich, Inc., a New York corporation, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation and destruction of the unfit portion, under the supervision of the Food and Drug Administration.

**4378. Adulteration of frozen whole eggs. U. S. v. 640 Cans and 1,000 Cans of Whole Eggs. Consent decree of condemnation. Product ordered released under bond for segregation and destruction or denaturing of the unfit portion. (F. D. C. No. 8568, 8608. Sample No. 18118-F, 18121-F.)**

On October 15 and 20, 1942, the United States attorney for the District of New Jersey filed libels against 1,640 30-pound cans of frozen whole eggs at Jersey City, N. J., alleging that the article had been shipped in interstate commerce from on or about April 6 to May 4, 1942, by the Manhattan Egg Co. Inc., from New York, 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: (Can) "Whole Egg."

On November 18 and 30, 1942, L. D. Schreiber & Co. Inc., New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for segregation of the fit portion from the unfit portion and destruction or denaturing of that portion unfit for human consumption, under the supervision of the Food and Drug Administration.

**4379. Adulteration of dried whole egg powder. U. S. v. 1 Barrel of Whole Egg Powder. Default decree of condemnation and destruction. (F. D. C. No. 8443. Sample Nos. 6142-F, 25228-F.)**

On September 28, 1942, the United States attorney for the District of Maryland filed a libel against 1 barrel of whole egg powder at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about August 22, 1942, by Ehlenberger & Co., from St. Louis, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, fly fragments and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Ehlen-Dried Spray Dried Whole Egg Powder \* \* \* Mfg. by Louisiana Egg Products Ruston, La."

On October 9, 1942, an order was entered permitting the shipper to take a sample of the seized goods, and also authorizing the Food and Drug Administration to take a similar sample. On February 24, 1943, no claim having been entered, judgment of condemnation was entered and the product was ordered destroyed.

**4380. Adulteration of shell eggs. U. S. v. Leslie T. Barner. Plea of nolo contendere. Fine \$50 on count 1. 1½ years probation on count 2. (F. D. C. No. 6485. Sample Nos. 33084-E, 84536-E.)**

On June 30, 1942, the United States attorney for the Middle District of Pennsylvania filed an information against Leslie T. Barner at Richfield, Pa., alleging shipment on or about May 7, 1940, and January 27, 1942, from the State of Pennsylvania into the State of New Jersey of a quantity of shell eggs that were adulterated in that they consisted in whole or in part of a decomposed substance.