

Mich., alleging that the article had been shipped in interstate commerce within the period from on or about December 24, 1942, to February 2, 1943, by T. M. Duche & Sons, Inc., 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: "Duche Golden Fluff [or "Fuffiyolk"] Spray Whole Egg Powder [or "Whole Egg Powder"]."

On June 11, 1943, T. M. Duche & Sons, Inc., claimant, having filed a petition in the Eastern District of Pennsylvania praying consolidation of the several seizure actions and their removal to the Eastern District of New York, an order was entered consolidating and removing the cases as prayed. On March 8, 1944, the claimant having consented, the court for the Eastern District of New York ordered that the claim and answers be withdrawn, the undertakings for costs discharged and default noted, and that the product be condemned and destroyed.

**5679. Adulteration of frozen whole eggs. U. S. v. 103 Cartons of Frozen Whole Eggs. Decree of condemnation. Product ordered released under bond for segregation and destruction or denaturing of unfit portion.** (F. D. C. No. 11229. Sample No. 23835-F.)

On December 3, 1943, the United States attorney for the Eastern District of Pennsylvania filed a libel against 103 cartons of frozen whole eggs at Philadelphia, Pa., alleging that the article had been shipped on or about October 11, 1943, from East Buffalo, N. Y., by the Buffalo Cold Storage Co.; 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: "Packed By Pacific Butter & Egg Co. Ottumwa, Iowa."

On December 29, 1943, the Iowa Pacific Butter & Egg Co., claimant, having admitted the allegations in the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation and destruction or denaturing of the unfit portion.

**5680. Adulteration of frozen whole eggs. U. S. v. 1,344 Cartons of Frozen Eggs. Decree of condemnation. Product ordered released under bond to be brought into compliance with the law.** (F. D. C. No. 10755. Sample No. 41122-F.)

On or about September 18, 1943, the United States attorney for the Northern District of Texas filed a libel against 1,344 cartons of frozen whole eggs at Dallas, Tex., alleging that the article had been shipped in interstate commerce on or about June 5, 1943, by the Wichita Ice and Cold Storage Co. from Wichita, Kans.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, decomposed eggs.

On October 25, 1943, the Fort Worth Poultry & Egg Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be brought into compliance with the law or destroyed under the supervision of an employee designated by the Federal Security Administrator. The good portion was separated from the bad and the latter was denatured and disposed of as hog feed.

**5681. Adulteration of frozen whole eggs. U. S. v. 87 Cartons of Frozen Whole Eggs. Decree of condemnation. Product ordered released under bond to be brought into compliance with the law.** (F. D. C. No. 10680. Sample No. 3760-F.)

On or about September 9, 1943, the United States attorney for the Western District of Missouri filed a libel against 87 cartons of frozen whole eggs at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about July 23, 1943, by the Edward Aaron Co. from Shenandoah, Iowa; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On October 6, 1943, the Edward Aaron Co. having appeared as claimant, 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. The unfit portion was segregated and delivered to a rendering company for the recovery of glycerine.

**5682. Adulteration of frozen whole eggs. U. S. v. 449 Second-hand Cans of Frozen Whole Eggs. Consent decree of condemnation. Product ordered released under bond for salvaging.** (F. D. C. No. 10683. Sample No. 44685-F.)

On September 9, 1943, the United States attorney for the District of New Jersey filed a libel against 449 second-hand cans, each containing 30 pounds, of frozen whole eggs at Jersey City, N. J., alleging that the article had been shipped

on or about June 14, 1943, by the Ballas Egg Products Corp. from Zanesville, Ohio; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance because of the presence of decomposed eggs and surface dirt contained in some of the cans.

On October 23, 1943, the Harrison Baking Co. Inc., having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed or treated so that it could not be used for human consumption, under the supervision of the Food and Drug Administration.

**5683. Adulteration of frozen whole eggs. U. S. v. 673 Cans of Whole Eggs. Decree of condemnation. Product ordered released under bond to be brought into compliance with the law. (F. D. C. No. 10700. Sample No. 43346-F.)**

On September 13, 1943, the United States attorney for the Western District of Missouri filed a libel against 673 cans of whole eggs at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about June 14, 1943, by the Fort Worth Poultry and Egg Co. from Wichita, Kans.; 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: "Packed by Kepner Poultry and Egg Co., Wichita, Kansas."

On November 5, 1943, the Fort Worth Poultry and Egg Co., Inc., having appeared as claimant, 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 Federal Food and Drug Administration. The unfit portion was thereafter segregated and disposed of for use as hog feed.

**5684. Adulteration of frozen whole eggs. U. S. v. 1,620 Cans of Frozen Whole Eggs. Consent decree of condemnation. Product ordered released under bond for purposes of salvage. (F. D. C. No. 10728. Sample No. 44686-F.)**

On September 11, 1943, the United States attorney for the Eastern District of New York filed a libel against 1,620 cans, each containing 30 pounds, of frozen whole eggs at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about August 5, 1943, by the De Soto Creamery & Produce Company, Fargo, N. Dak.; 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: (Tag) "From Fargo Creamery & Produce Co. \* \* \* Fargo, North Dakota."

On October 11, 1943, the De Soto Creamery & Produce Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregating and denaturing the unfit portion, under the supervision of the Federal Security Agency.

**5685. Adulteration of frozen whole eggs and adulteration and misbranding of frozen sugared egg yolks. U. S. v. 450 Cartons and 7 Cartons of Frozen Whole Eggs and 156 Cartons of Frozen Sugared Egg Yolks. Decrees of condemnation. Portion of product ordered destroyed; remainder ordered released under bond for segregation and relabeling. (F. D. C. Nos. 10966, 12044. Sample Nos. 51237-F, 51238-F, 76525-F.)**

On October 18, 1943, and March 24, 1944, the United States attorneys for the District of Massachusetts and the Southern District of New York filed libels against 450 30-pound cartons of frozen whole eggs and 156 30-pound cartons of frozen sugared egg yolks at Springfield, Mass., and 7 30-pound cartons of frozen whole eggs at New York, N. Y., alleging that the articles had been shipped on or about August 6, 1943, from Detroit, Mich., and on or about January 6, 1944, from St. Louis, Mo., by Frigid Food Products, Inc.; and charging that they were adulterated and that the sugared egg yolks were also misbranded. They were labeled in part: (Carton) "Frigidegs Frozen Strickly Fresh \* \* \* Whole Eggs," "Frigidegs Frozen Strictly Fresh Sugared Egg Yolks Approx. 10% Sugar Added Contains Egg Yolks & Whites," or "Fr Eggs added Sugar Whole Eggs."

Both lots of frozen whole eggs were alleged to be adulterated in that they consisted in whole or in part of a decomposed substance. The frozen sugared egg yolks were alleged to be adulterated in that a product which consisted of egg yolks with added egg whites and sugar had been substituted for egg yolks with approximately 10 percent sugar added, which it purported and was represented to be.

The egg yolks were alleged to be misbranded in that the name "Sugared Egg Yolks" was misleading as applied to a product which was a mixture of egg yolks and egg whites with added sugar, and the misleading character of the state-