

DISPOSITION: December 27, 1943. No claimant having appeared, a decree of condemnation was entered. The product was ordered sold to a rendering plant to be denatured so that it could not be used for human consumption.

EGGS AND EGG PRODUCTS

5863. Adulteration of dried whole egg. U. S. v. 2 Barrels of Dried Whole Egg. Default decree of condemnation. Product ordered delivered to a Federal correctional institution. (F. D. C. No. 11488. Sample No. 66196-F.)

LIBEL FILED: December 24, 1943, Southern District of New York.

ALLEGED SHIPMENT: On or about June 21 and July 6, 1943, by the Blue Sea Fish Co., Teaneck, N. J.

PRODUCT: 2 barrels of dried whole egg at Bronx, N. Y.

LABEL, IN PART: "Egg Grade A * * * Advance Foods Corp. Centerville, Ind.," or "Spray Whole Egg * * * Marshall Kirby & Co. Inc. Terre Haute, Ind."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent hair fragments, vegetable fibers, pieces of wood, cinders, and dirt.

DISPOSITION: January 26, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. On February 8, 1944, an order was entered vacating the order of destruction and directing the delivery of the product to a Federal institution, for use as hog feed.

5864. Adulteration of frozen whole eggs. U. S. v. 45 Cartons of Frozen Whole Eggs. Consent decree of condemnation. Product ordered released for segregation of the fit portion from the unfit portion. (F. D. C. No. 11057. Sample No. 3928-F.)

LIBEL FILED: November 4, 1943, Western District of Missouri.

ALLEGED SHIPMENT: On or about September 11, 1943, by Rothenberg and Schneider Bros., Inc., Chicago, Ill.

PRODUCT: 45 30-pound cartons of frozen whole eggs at Kansas City, Mo.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: December 13, 1943. Rothenberg & Schneider Bros., Inc., claimant, 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, under the supervision of the Food and Drug Administration. The unfit portion was denatured.

5865. Adulteration of frozen whole eggs. U. S. v. 650 Cans and 550 Cans of Frozen Eggs. Decree of condemnation. Product ordered released under bond for segregation and destruction or denaturing of unfit portion. (F. D. C. No. 11214. Sample No. 56918-F.)

LIBEL FILED: December 2, 1943, Eastern District of New York.

ALLEGED SHIPMENT: On various dates from May to October, 1943, by Benjamin Rutstein (also known as I. B. Rutstein), Hoboken, N. J.

PRODUCT: 1,200 30-pound cans of frozen whole eggs at Brooklyn, N. Y.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: January 20, 1944. Herman Lerich, New York, N. Y., 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 or denaturing of the unfit portion, under the supervision of the Food and Drug Administration.

5866. Adulteration of frozen whole eggs. U. S. v. 409 Cans of Frozen Whole Eggs. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of unfit portion. (F. D. C. No. 10669. Sample No. 44684-F.)

LIBEL FILED: September 8, 1943, District of New Jersey.

ALLEGED SHIPMENT: On or about June 24, 1943, by the Ballas Egg Products Corporation, Zanesville, Ohio.

PRODUCT: 409 cans of frozen whole eggs at Jersey City, N. J.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance.

DISPOSITION: October 23, 1943. The Harrison Baking Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for ségragation and destruction or denaturing of the unfit portion.

5867. Adulteration of frozen whole eggs. U. S. v. 621 Cans 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. 11458. Sample No. 57461-F.)

LIBEL FILED: December 18, 1943, Eastern District of New York.

ALLEGED SHIPMENT: From on or about May 5 to August 18, 1943, by the Sam Pollman Produce Co., Kansas City, Mo.

PRODUCT: 621 30-pound cans of frozen whole eggs at Brooklyn, N. Y.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: January 20, 1944. Herman Lerich, New York, N. Y., 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 or denaturing of the unfit portion, under the supervision of the Food and Drug Administration.

5868. Adulteration of shell eggs. U. S. v. Glenn C. Roberts. Plea of guilty. Fine, \$300. (F. D. C. No. 10550. Sample No. 3291-F.)

INFORMATION FILED: September 23, 1943, Western District of Missouri, against Glenn C. Roberts, Kansas City, Mo.

ALLEGED SHIPMENT: On or about May 5, 1943, from the State of Missouri into the State of Kansas.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed and putrid substance.

DISPOSITION: December 14, 1943. The defendant having entered a plea of guilty, the court imposed a fine of \$300.

5869. Adulteration of shell eggs. U. S. v. 195 Cases of Shell Eggs. Decree of condemnation. Product ordered released under bond to be disposed of in compliance with the law. (F. D. C. No. 12182. Sample No. 60022-F.)

LIBEL FILED: April 15, 1944, Northern District of California.

ALLEGED SHIPMENT: On or about January 16, 1943, by O. Casperson & Sons, Hutchinson, Kans.

PRODUCT: 195 cases of shell eggs at San Francisco, Calif.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: May 22, 1944. O. Casperson & Sons, claimant. Judgment of condemnation was entered and the product was ordered released under bond to be made to conform with the law, under the supervision of the Food and Drug Administration. The unfit portion was segregated and destroyed.

5870. Adulteration and misbranding of Eggine. U. S. v. Chas. T. Morrissey (Chas. T. Morrissey & Co.) Plea of guilty. Fine of \$100, and defendant placed on probation for 2 years. (F. D. C. No. 10595. Sample Nos. 3723-F, 14767-F, 32078-F, 32079-F.)

INFORMATION FILED: December 22, 1943, Northern District of Illinois, against Chas. T. Morrissey, trading as Chas. T. Morrissey & Co., Chicago, Ill.

ALLEGED SHIPMENT: From on or about January 19 to April 16, 1943, from the State of Illinois into the States of California and Indiana.

LABEL, IN PART: "Eggine An Artificial Egg Product Derived From Milk Maize and Soda With Certified Food Color Added * * * Use the Same Way as Eggs For Baking and Cooking."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (4), in that artificial color had been added to the product, or mixed or packed therewith, so as to make it appear better or of greater value than it was.

Misbranding, Section 403 (a), in that statements in the labeling were false and misleading since they represented and suggested that the food, when used instead of eggs, would give the same results in baking and cooking; that 1 teaspoonful of the product would give the same results as 1 egg when used in baking and cooking; that one 25-cent can of the product would take the