

Issued July 15, 1911.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 969, FOOD AND DRUGS ACT.

ADULTERATION AND MISBRANDING OF "TRUE EGGS SUBSTITUTE."

On or about July 18, 1910, the True Egg Substitute Company, Santa Monica, Cal., shipped from the State of California into the State of Missouri 101 cases or cans of a food product labeled: "Yellow True Eggs Substitute. 25 cents, 25 eggs. Guaranteed by the True Egg Substitute Co. under the Pure Food Laws, Serial No. 683. Made from fresh chicken egg albumen and fresh milk albumen. Vegetable color. Directions, 1 level teaspoon dried egg and two table-spoonfuls of water (make paste) is one egg. Use just as you use fresh cracked eggs. True Egg Substitute Co., Chicago, Ill. and Los Angeles, Cal. Full measure." Packed with each can of the product was a circular which contains among others the statements that "'True Eggs' are made from the albumen of fresh chicken eggs and the albumen of fresh milk which operates the same as the chicken egg albumen", and "one pound of this product is equivalent to 80 eggs." A sample from this shipment was procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and the product was found to contain starch and not to contain the albumen of fresh milk in appreciable quantities but to contain casein, a protein quite different in character. As it appeared from the findings of the analyst and report thereon that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, and was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the fact to the United States attorney for the Eastern District of Missouri.

In due course a libel was filed in the District Court of the United States for said district against the said 101 cases or cans of the prod-

uct, charging the above shipment and alleging that the product so shipped was adulterated because in the manufacture thereof a mixture of milk casein, starch, and egg albumen had been mixed and packed with the said product, so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted for said product, and because said article of food had been artificially colored in a manner whereby its inferiority was concealed. The libel further alleged the product to be misbranded because the word "substitute" appearing on the label of said cans was partly concealed in such a manner as to mislead and deceive the purchaser; because said product was an imitation of and offered for sale under the distinctive name of another article; because the booklet accompanying said product represented it to be composed of the albumen of fresh chicken eggs and the albumen of fresh milk, when in truth and in fact it was an adulterated product as above set forth: because said booklet represented that "one pound of this product is equivalent to 80 eggs", when in truth and in fact one pound of genuine dried eggs is the equivalent of 36 eggs; and because said product was not "true eggs" and was not made of true eggs, said cans being labeled so as to mislead and deceive the purchaser into the belief that the product in question contains the essential constituents of true eggs, which was untrue, and praying seizure, condemnation, and forfeiture of the product.

On March 9, 1911, the cause came on for hearing and the True Egg Substitute Company appearing as claimant, the matters at issue were submitted to the court which found the product to be adulterated and misbranded as alleged in said libel and decreed the condemnation and forfeiture thereof to the use of the United States, and ordered the marshal of said district to destroy the labels and brands on the above cases or cans, and all the booklets accompanying the same, and to relabel said cases or cans with labels reading as follows: "A compound of casein and corn starch artificially colored", and sell the same at public auction, with the proviso, however, that the product should be released to the above-mentioned claimant if it should pay all the costs of these proceedings, and furnish a good and sufficient bond in the sum of \$500, conditioned that said claimant would remove said labels and booklets and plainly relabel said cases and cans with some lawful label and would not sell or otherwise dispose of said goods in violation of law.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *June 19, 1911.*