

released to the said claimant upon payment of costs and the execution of a bond in the sum of \$200, conditioned in part that it be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18616. Adulteration and misbranding of canned frozen eggs. U. S. v. 3,600 Cans of Frozen Eggs. Product ordered released under bond to be relabeled. (F. & D. No. 26346. I. S. Nos. 30009, 30010, 30011. S. No. 4591.)

Samples of canned frozen eggs from the shipments herein described having been found to contain added whites, the Secretary of Agriculture reported the matter to the United States attorney for the District of New Jersey.

On May 12, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 3,600 cans of frozen eggs, remaining in the original unbroken packages at Jersey City, N. J., alleging that the article had been shipped by the Kraft-Phenix Cheese Corporation, Dallas, Tex., in part on or about February 11, 1931, and in part on or about February 16, 1931, and had been transported from the State of Texas into the State of New Jersey, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can cover) "Whole Eggs;" (tag) "Kraft-Phenix Cheese Corporation * * * Dallas, Texas. Whole Eggs."

It was alleged in the libel that the article was adulterated in that whole eggs containing added and undeclared egg whites had been substituted for whole eggs, which the said article purported to be.

Misbranding was alleged for the reason that the statement on the label, "Whole Eggs," was false and misleading and deceived and misled the purchaser in that the article contained added and undeclared egg whites. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, to wit, whole eggs.

On June 8, 1931, William W. Johnstone, claimant, having admitted the allegations of the libel and having consented to the entry of a decree condemning and forfeiting the product, judgment was entered ordering that the product be delivered to the said claimant upon payment of costs and the execution of a bond in the sum of \$15,000, conditioned in part that it be relabeled "Whole Eggs with Added Whites," and should not be disposed of contrary to the requirements of the law, and until inspected and approved by this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18617. Adulteration of dressed poultry. U. S. v. 4 Barrels of Poultry. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26354. I. S. No. 30451. S. No. 4687.)

Samples of dressed poultry from the shipment herein described having been found to be decomposed and diseased, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On May 13, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 4 barrels of dressed poultry, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Henderson Produce Co., Laclede, Mo., on or about May 4, 1931, and had been transported from the State of Missouri into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance; in that it consisted in whole or in part of portions of animals unfit for food; and in that it was the product of diseased animals.

On June 8, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18618. Adulteration of frozen eggs. U. S. v. 441 Cans of Frozen Eggs. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26307. I. S. No. 28748. S. No. 4633.)

Samples of frozen eggs from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Virginia.

On May 9, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 441 cans of frozen eggs, remaining in the original unbroken packages at Richmond, Va., alleging that the article had been shipped for and on the order of S. E. Clark (Inc.), from Chicago, Ill., on or about June 30, 1930, and had been transported from the State of Illinois into the State of Virginia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "White House Brand * * * Frozen Eggs Whites & Yolks Mixed. H. M. Noack & Sons Arlington, Minn."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, or putrid animal substance.

On June 1, 1931, the Joe Lowe Corporation, Baltimore, Md., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$2,000, conditioned in part that the portion of the product that was not adulterated be separated from the decomposed portion under the supervision of this department, and the unfit portion denatured.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18619. Adulteration and misbranding of Za-Rex fruit sirups. U. S. v. 1,182 Cases of Za-Rex Fruit Sirups. Consent decree of condemnation and forfeiture. Products released under bond. (F. & D.) No. 26224. I. S. Nos. 20129 to 20136, incl., 20217 to 20224, incl. S. No. 4508.)

Examination of sample bottles of the variously flavored fruit sirups from the shipments herein described showed that the bottles contained less than the volume declared on the label; that the cherry sirup contained benzaldehyde, an added artificial flavor; that the pineapple sirup contained undeclared artificial color; and that the punch sirup was colored with a coal-tar color and not a vegetable color, as represented by the label.

On April 20, 1931, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 1,182 cases of Za-Rex fruit sirups, remaining in the original unbroken packages at New York, N. Y., consigned at various times by the same firm under the names of Rex Food Prod. Co., Za-Rex Co., Za-Rex Co. (Inc.), or Zarex Food Prod., alleging that the articles had been shipped from Boston, Mass., between the dates of May 17, 1930 and August 16, 1930, and had been transported from the State of Massachusetts into the State of New York. It was charged that the articles were misbranded in violation of the food and drugs act as amended, and that the cherry sirup also was adulterated.

The so-called punch was labeled in part: "Za-Rex * * * Contents One Pint Punch * * * Pure Vegetable Color * * * Manufactured and Guaranteed by Za-Rex Food Products, Inc., Boston, Mass." The remaining sirups were labeled in part: "Za-Rex * * * Contents One Pint Raspberry [or "Cherry," "Strawberry," "Lemon and Lime," "Lemon," "Pineapple," or "Orange"] * * * Manufactured and Guaranteed by The Za-Rex Company, Inc., Boston, Mass."

Adulteration of the cherry sirup was alleged in the libel for the reason that artificial flavor had been substituted in part for the article, and for the further reason that it was mixed with artificial flavor in a manner whereby inferiority was concealed.

Misbranding was alleged with respect to all products for the reason that the statement on the label, "Contents One Pint," was false and misleading and deceived and misled the purchaser; and for the further reason that the articles were foods in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statement made was not correct. Misbranding was alleged with respect to the pineapple, cherry, and punch sirups for the further reason that the designation "Pineapple" was false and misleading, and deceived and misled the purchaser when applied to an artificially-colored product; the statements, "Cherry * * * A Pure Fruit Juice Flavored Syrup," were false and misleading and deceived and misled the purchaser when applied to an artificially flavored product; and the statement, "Pure Vegetable Color" appearing in the labeling of the punch sirup,