

20069. Adulteration of canned frozen eggs. U.S. v. 1,506 Cans of Frozen Eggs. Product ordered released under bond to be salvaged, and unfit portion destroyed. (F. & D. No. 28439. Samples Nos. 11007-A, 11008-A.)

This action involved shipments of canned frozen eggs, samples of which were found to be in part decomposed.

On June 29, 1932, the United States attorney for the District of New Jersey, 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 1,506 cans of frozen eggs, remaining in the original unbroken packages at Jersey City, N.J., alleging that the article had been shipped in interstate commerce on or about May 16, 1932, by Standard Brands, Inc., from East St. Louis, Ill., to Jersey City, N.J., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Fleischmann's Spring Laid Whole Eggs Frozen * * * Distributed by Standard Brands, Inc., New York City."

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

The Standard Brands, Inc., New York, N.Y., interposed a claim, admitted the allegations of the libel, and consented to the entry of a decree condemning and forfeiting the goods. On July 11, 1932, a decree was entered providing for release of the property, upon payment of costs and the execution of a bond in the sum of \$5,000, conditioned that the product be salvaged by sorting out, separating and destroying, or denaturing for technical uses, all cans containing bad eggs; and that the cans containing only good eggs be disposed of in compliance with the Federal Food and Drugs Act and all laws, Federal and State.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20070. Misbranding of butter. U.S. v. 10 Cases of Butter. Default decree of destruction entered. (F. & D. No. 28443. Sample No. 7542-A.)

This case involved a shipment of print butter, sample cartons of which were found to contain less than 1 pound, the declared weight.

On June 22, 1932, the United States attorney for the Southern District of Georgia, 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 ten 32-pound cases of butter, remaining in the original unbroken packages at Savannah, Ga., alleging that the article had been shipped in interstate commerce on June 14, 1932, by Swift & Co., from Nashville, Tenn., to Savannah, Ga., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Carton) "Southern Belle Creamery Butter 1 Lb. Net Weight * * * Distributed by Swift & Company. * * * Chicago."

It was alleged in the libel that the article was misbranded in that the statement on the packages, "1 Lb. Net Weight", was false and misleading and tended to deceive and mislead the purchaser, since the packages did not contain 1 pound. Misbranding was alleged for the further reason that the article was in package form and did not bear a statement of the quantity of the contents plainly and conspicuously marked on the outside of the packages, since the statement made was incorrect.

On July 22, 1932, no claimant having appeared, default was entered, and the court ordered that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20071. Adulteration and misbranding of butter. U.S. v. 3 Cases of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 28423. Sample No. 4153-A.)

This action was based on the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard prescribed by Congress.

On June 1, 1932, the United States attorney for the Northern District of Illinois, 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 three cases of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about May 10, 1932, by the Watervliet Creamery Co., from Watervliet, Mich., to Chicago, Ill., and charging adulteration and