

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-

ment was not corrected or relieved by the statement "Contains Egg Yolks and Whites," which appeared in much smaller type two lines below the prominently displayed words "Sugared Egg Yolks"; and in that they were offered for sale under the name of another food, "Sugared Egg Yolks."

On November 3, 1943, Frigid Food Products, Inc., claimant for the 2 lots at Springfield, having admitted the allegations of the libel, judgment of condemnation was entered and the products were ordered released under bond to be reconditioned, in the case of the lot that was in part decomposed, by separating the fit portion from the unfit portion, and, in the case of the egg yolks, by properly relabeling the cartons under the supervision of the Food and Drug Administration. On April 11, 1944, no claimant having appeared for the 7 cartons seized at New York, judgment of condemnation was entered and the product was ordered destroyed.

5686. Adulteration of shell eggs. U. S. v. 487 Crates of Eggs. Consent decree of condemnation. Product ordered released under bond for salvaging.
(F. D. C. No. 10810. Sample No. 56646-F.)

On September 22, 1943, the United States attorney for the District of New Jersey filed a libel against 487 second-hand crates, each containing 30 dozen eggs, at Jersey City, N. J., alleging that the article had been shipped on or about July 29, 1943, by the Irving Manaster Co. from McPherson, Kans.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On October 23, 1943, the Larry Oshin Co., New York, N. Y., claimant, having admitted allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be separated and destroyed or denatured under the supervision of the Federal Security Agency.

FEEDS AND GRAINS*

5687. Misbranding of calf meal. U. S. v. Frank E. Moore and L. Virginia Moore (Hilltop Farm Feed Co.). Pleas of guilty. Fine of \$20 which included both defendants. (F. D. C. No. 10588. Sample No. 8741-F.)

On December 13, 1943, the United States attorney for the District of Minnesota filed an information against Frank E. Moore and L. Virginia Moore, individuals trading as copartners under the firm name Hilltop Farm Feed Co., at Minneapolis, Minn., alleging shipment on or about March 9, 1943, from the State of Minnesota into the State of Wisconsin of a quantity of calf meal that was misbranded. The article was labeled in part: "Hilltop Calf Meal For raising calves economically without milk. Prevents scours and keeps them growing rapidly * * * Guaranteed analysis Protein not less than 24%. Fat—not less than 4.5%. Fiber not over 5%."

The article was alleged to be misbranded in that the statements, "Protein not less than 24%. Fat—not less than 4.5%," were false and misleading since it contained not more than 20.94 percent of protein, and not more than 3.64 percent of fat.

The product was also alleged to be misbranded under the provisions of the law applicable to drugs as reported in drugs and devices notices of judgment.

On December 13, 1943, the defendants having entered pleas of guilty, the court imposed a fine of \$20 which included both defendants.

5688. Misbranding of Mutual Compound. U. S. v. Joseph C. Winslow and Stephen R. Winslow (Mutual Products Co.). Plea of guilty. Fine, \$100.
(F. D. C. No. 8752. Sample No. 76895-E.)

This product consisted essentially of a mixture of wheat, corn, and oat products, dry milk, small amounts of salt, sugar, reducing sugars, yeast, iodide, calcium, iron, phosphate compounds, anise, and resinous material. It contained 19.44 percent of crude protein, 4.08 percent of crude fat and 3.38 percent of crude fiber.

On February 6, 1943, the United States attorney for the District of Minnesota filed an information against Joseph C. Winslow and Stephen R. Winslow, trading as the Mutual Products Co., Minneapolis, Minn., alleging shipment on or about March 3, 1942, from the State of Minnesota into the State of Wisconsin of a quantity of food, known as Mutual Compound, which was misbranded.

The article was alleged to be misbranded in that the statements appearing in its labeling which represented and suggested that, when fed to calves as di-

*See also No. 5796.