

**SHIPPED:** Shell eggs were shipped on 1-29-59 and 1-30-59, from Goshen, Ind., by Indiana Egg Co., to Superior Frozen Foods, Inc., Lakeland, Fla., and were used in preparing the frozen eggs which were shipped to Miami, Fla., by Superior Frozen Foods, Inc., on 2-4-59.

**LABEL IN PART:** "Whole Eggs."

**LIBELED:** 2-10-59, S. Dist. Fla.

**CHARGE:** 402(a)(3)—when shipped, contained decomposed eggs.

**DISPOSITION:** On 3-3-59, Mack Jewell, t/a Superior Frozen Foods, Inc., claimant, filed an answer denying that the article was adulterated. Subsequently, both the government and the claimant filed interrogatories, and thereafter, the claimant having consented, a decree was entered condemning and ordering the destruction of the article. The decree further enjoined the claimant and his agents or representatives and all persons in active concert or participation with him from doing the following acts:

(a) introducing into interstate commerce, eggs which have been broken out, and frozen or otherwise manipulated and which are, in whole or part, a product of shell eggs which have been incubated for the purpose of hatching chickens but which have failed to hatch or, of shell eggs which are otherwise adulterated.

(b) introducing into interstate commerce, shell eggs which have been incubated for the purpose of hatching chickens, but which have failed to hatch, or, of eggs which are otherwise adulterated.

(c) doing any act with respect to shell eggs or their contents, after shipment of such eggs in interstate commerce, which results in an adulterated food, while such food is held for sale.

**25684. Frozen eggs.** (F.D.C. No. 42793. S. No. 1-454 P.)

**QUANTITY:** 960 cans at Hilliard, Fla.

**SHIPPED:** 1-14-59, from Lakeland, Fla., by Superior Frozen Foods, Inc., to South Carolina and then returned to Hilliard, Fla.

**LABEL IN PART:** "Frozen Whole Eggs, Independent Food Products Co., Newark, N.J., 30 Lbs. Net Weight."

**LIBELED:** 1-16-59, S. Dist. Fla.; amended 2-13-59.

**CHARGE:** 402(a)(3)—when shipped, contained decomposed eggs.

**DISPOSITION:** 5-22-59. Mac Jewell, t/a Superior Frozen Foods, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be destroyed or released to the claimant under bond for segregation and denaturing of the unfit portion for industrial uses or use in animal feed. The claimant failed to post bond and the condemned article was destroyed on 6-18-59.

**25685. Powdered scrambled eggs.** (F.D.C. Nos. 42827, 42902. S. Nos. 19-591/2 P.)

**QUANTITY:** 24 65-envelope ctns., and 1 59-envelope ctn. of bacon-flavored powdered scrambled eggs, and 34 65-envelope ctns., and 35 60-envelope ctns. of ham-flavored powdered scrambled eggs, at Cimarron, N. Mex.

**SHIPPED:** Between 6-27-58 and 7-21-58, from San Jose, Calif., by Bernard Food Industries, Inc.

**LABEL IN PART:** "Bernard \* \* \* 4 Man Ham [or "Bacon"] Flavored Scrambled Eggs Kamp Pack \* \* \* Net Weight 4 ounces \* \* \* Mfd and Packed by Bernard Food Industries, Inc., Chicago, Ill. - San Jose, Calif."