

SHIPPED: Between 7-1-57 and 1-21-58, from Gainesville, Ga., by Technical Egg Products, Inc.

LIBELED: 2-12-58, M. Dist. Tenn.; amended 2-18-58.

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

DISPOSITION: On 4-16-58, the claimant, Technical Egg Products, Inc., Nashville, Tenn., having consented, a decree of condemnation was entered providing that approximately 800 cans of frozen whole eggs be released under bond to the claimant for conversion into tanners eggs. The remaining cans of egg whites remained under seizure.

On 5-28-58, a consent decree of condemnation was entered providing that the cans of egg whites be released to the claimant under bond for conversion to technical albumen. The decree provided also that the process of conversion was to be completed within 30 days from the filing of the bond; and that if claimant failed to abide by and perform all the terms and conditions of the decree, the bond was to be forfeited.

Thereafter, the claimant failed to convert a portion of the cans of egg whites to technical albumen, and on 7-28-59, the Government filed a motion for bond forfeiture and return and destruction of the article.

Aetna Casualty & Surety Co., the surety on the bond, appeared and filed an answer to libellant's motion to forfeit the bond. On 6-2-60, upon consent of the parties, the court ordered:

- (1) That the bond be forfeited to the Government;
- (2) That the amount of the bond be remitted to the surety on payment of \$175 supervisory costs, plus costs of the destruction of the article; and
- (3) That the surety have judgment against Technical Egg Products, Inc., for the amount incurred under the bond, unless Technical Egg Products, Inc., showed cause within 10 days why judgment should not be had against them.

26827. Frozen eggs. (F.D.C. No. 44472. S. No. 9-612 R.)

QUANTITY: 960 30-lb. cans at Holley, N.Y.

SHIPPED: 3-28-60, from Chicago, Ill., by Wilson & Co., Inc.

LABEL IN PART: (Can) "Pride of Winder Whole Eggs, Winder Produce Corp. Winder and Atlanta, Ga."

LIBELED: 5-27-60, W. Dist. N.Y.

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

DISPOSITION: 7-6-60. Consent—claimed by Wilson & Co., Inc. Segregated; 323 cans destroyed.

26828. Frozen eggs. (F.D.C. No. 44596. S. No. 32-532 R.)

QUANTITY: 650 30-lb. cans at Brooklyn, N.Y.

SHIPPED: 4-5-60, from Portland, Oreg., by Helfer-King, Inc.

LABEL IN PART: "Whole Eggs \* \* \* Oregon Egg & Poultry Co. 3544 Milwaukee Ave. Portland Oreg. BE \* \* \* 5289-111."

LIBELED: 6-13-60, E. Dist. N.Y.

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

DISPOSITION: 7-20-60. Consent—claimed by Helfer-King, Inc., New York, N.Y. Segregated; 203 cans denatured.