

On November 22, 1929, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 87 cases of canned red raspberries remaining in the original unbroken packages at Scranton, Pa., alleging that the article had been shipped by F. B. Huxley & Son from Ontario, N. Y., on or about October 9, 1929, and had been transported from the State of New York into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Huxson Brand Columbian Red Raspberries \* \* \* Packed by F. B. Huxley & Son, Ontario, N. Y."

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 vegetable substance.

On September 17, 1930, by the consent of F. B. Huxley & Son, 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.*

**17697. Adulteration and misbranding of frozen whole eggs and frozen egg yolks. U. S. v. 339 Cans of Frozen Whole Eggs, et al. Consent decrees of condemnation and forfeiture. Products released under bond. (F. & D. Nos. 24915, 24916, 24948. I. S. Nos. 2347, 2348, 2349, 028453, 028459. S. Nos. 3190, 3307.)**

Samples of canned frozen whole eggs and frozen egg yolks from the herein described interstate shipments having been found to contain added sugar, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On July 17, 1930, and August 9, 1930, respectively, the said United States attorney filed in the District Court of the United States for the district aforesaid libels, and on August 28, 1930, an order amending the latter libel, praying seizure and condemnation of 636 cans of frozen whole eggs, and 798 cans of frozen egg yolks, remaining in the original unbroken packages at New York, N. Y., alleging that the articles had been shipped by the Land O'Lakes Creameries (Inc.), in various lots, in part from Minneapolis, Minn., on or about May 29, 1930, and in part from Minnesota Transfer, Minn., on or about December 20, 1929, and June 9, 1930, and had been transported from the State of Minnesota into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act. The articles were labeled in part: "Mixed Whole Eggs [or "Whole Eggs" or "Yolks"] Guaranteed to comply with all pure food laws \* \* \* Land O'Lakes Frozen Eggs. Land O'Lakes Creameries, Inc., Minneapolis, Minn."

It was alleged in the libels that the articles were adulterated in that a substance, sugar, had been mixed and packed therewith so as to reduce, lower, or injuriously affect their quality or strength, and had been substituted in part for the said articles.

Misbranding was alleged for the reason that the statements "Mixed Whole Eggs," "Whole Eggs," or "Yolks," as the case might be, appearing on the labels of respective portions of the articles and the further statements "Frozen eggs, \* \* \* these eggs \* \* \* guaranteed to comply with all pure food laws," borne on the labels of all lots of the said articles were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the articles were sold under the distinctive names of other articles.

On September 2, 1930, the Land O'Lakes Creameries (Inc.), New York, N. Y., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be released to the said claimant upon payment of costs and the execution of bonds totaling \$10,000, conditioned in part that they be relabeled to show that the whole eggs contained 1 per cent of sugar and the yolks contained 9 per cent of sugar.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**17698. Adulteration and misbranding of butter. U. S. v. 33 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 25264. I. S. No. 2543. S. No. 3323.)**

Samples of butter from the herein described interstate shipment having been found to contain less than the legal requirement of milk fat, namely, less than 80 per cent of milk fat, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.