

27025. Adulteration of frozen eggs. U. S. v. 260 Cans of Frozen Eggs. Default decree of condemnation and destruction. (F. & D. no. 39056. Sample no. 8852-C.)

This product was represented to be frozen whole eggs. Examination showed that it consisted of a mixture of egg white and whole eggs and that it was decomposed and putrid.

On February 5, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 260 cans of frozen eggs at New York, N. Y., alleging that they had been shipped in interstate commerce on or about October 16, 1936, by the Producers' Produce Co., Inc., from Springfield, Mo., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a mixture of egg white and whole eggs had been substituted wholly or in part for whole eggs, which it purported to be, and in that it consisted wholly or in part of a decomposed or putrid animal substance.

On February 25, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

27026. Adulteration of canned sardines. U. S. v. 596 Cartons and 196 Cartons of Canned Sardines. Decree of condemnation and destruction. (F. & D. no. 30624. Samples nos. 39901-A, 39902-A.)

Samples taken from these lots of canned sardines were found to be decomposed.

On June 19, 1933, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 792 cartons of canned sardines at Charleston, S. C., alleging that they had been shipped in interstate commerce on or about May 8, 1933, by Van Camp Sea Food Co., Inc., from Terminal Island, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Van Camp's Sardines in Tomato Paste * * * Packed by Van Camp Sea Food Co., Inc., Terminal Island, Calif."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On March 8, 1937, Van Camp Sea Food Co., Inc., having appeared as claimant, the following decree was entered:

"Whereas, it is alleged in the libel herein that the product described therein consists in whole or in part of a decomposed animal substance, and

"Whereas, it is agreed that the said product has now deteriorated to such an extent that it cannot be used for food, it is hereby

"*Ordered, Adjudged, and Decreed*, that the answer of the defendant in this case be withdrawn and that the sardines described in the libel herein be condemned, forfeited, and destroyed, and that the claimant, Van Camp Sea Food Company, Incorporated, pay the costs of this proceeding."

W. R. GREGG, *Acting Secretary of Agriculture.*

27027. Misbranding of vinegar. U. S. v. C. H. Musselman Co. Plea of guilty. Fine \$1,500. (F. & D. no. 33971. Sample nos. 59670-A, 61758-A, 65143-A, 68002-A.)

This case involved vinegar that was short in volume.

On May 9, 1935, the United States attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the C. H. Musselman Co., a corporation trading at Inwood, W. Va., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about August 31, October 3, October 5, 1933, and February 28, 1934, from the State of West Virginia into the States of Pennsylvania and Illinois of quantities of vinegar that was misbranded. A portion of the article was labeled: "Fox Brand Pure Apple Cider Contents One Pint * * * Vinegar Fox Grocery Company Charleroi, Pa. Uniontown, Pa." The remainder was labeled: "Contents 1 Quart Rosemary * * * Pure Apple Cider Vinegar Full Strength Samuel Kunin & Sons, Inc. Distributors Chicago, Ill."