

alleging that the article had been shipped in interstate commerce within the period from on or about May 29 to on or about June 27, 1941, by Highway Butter & Egg Co., Inc., from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On February 24, 1942, Highway Butter & Egg Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that the good be segregated from the bad under the supervision of the Food and Drug Administration of the Federal Security Agency.

**3278. Adulteration of frozen eggs. U. S. v. 190 Cans of Frozen Eggs. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of unfit portion.** (F. D. C. No. 6654. Sample No. 84220-E.)

On January 5, 1942, the United States attorney for the Eastern District of New York filed a libel against 190 30-pound cans of frozen eggs at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about December 5, 1941, by Indianapolis Terminal & Refrigerating Co. from Indianapolis, Ind.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On February 20, 1942, Marshall Kirby & Co., New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation and destruction of the unfit portion.

**3279. Adulteration and misbranding of frozen eggs. U. S. v. 6 Cans of Frozen Eggs (and 2 additional seizure actions against frozen eggs). Decrees of condemnation. Portion of product ordered destroyed. Remainder ordered released under bond for segregation and destruction of unfit portion.** (F. D. C. Nos. 7004, 7438, 7461. Sample Nos. 70489-E, 73392-E, 73393-E, 89623-E.)

Examination of this product showed the presence of decomposed eggs in portions and of excess whites in others.

Between March 12 and May 6, 1942, the United States attorneys for the District of Kansas, Southern District of Florida, and Eastern District of New York filed libels against 6 cans of frozen eggs at Kansas City, Kans., 300 cans at Tampa, Fla., and 421 cans at Long Island City, N. Y., alleging that the article had been shipped in interstate commerce within the period from on or about July 23, 1941, to on or about April 2, 1942, by Swift & Co. from Fort Worth, Tex.; and charging that it was adulterated and that portion was also misbranded.

The article with the exception of one lot located at Kansas City, was alleged to be adulterated in that it consisted in whole or in part of a decomposed substance. The remaining lots of eggs at Kansas City, Kans., were alleged to be adulterated in that a mixture of whole eggs and egg whites had been substituted wholly or in part for mixed eggs, which they purported to be.

The article in the said remaining lots at Kansas City, Kans., was alleged to be misbranded in that the statement "Frozen \* \* \* Mixed Eggs" was false and misleading as applied to an article containing excess egg whites; and in that it purported to be a food for which a definition and standard of identity had been prescribed by regulations as provided by law but failed to conform to such definition and standard since the yolk and whites were not in their natural proportion as broken from the shell.

On April 13, 1942, no claimant having appeared for the product located at Kansas City, Kans., judgment of condemnation was entered and the product was ordered destroyed. On May 22 and June 27, 1942, Loose-Wiles Biscuit Co., Inc., and Swift & Co., claimants, respectively, for the seizures at Long Island City, N. Y., and Tampa, Fla., having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond for segregation and destruction or denaturing of the unfit portion under the supervision of the Food and Drug Administration.

**3280. Adulteration of frozen eggs. U. S. v. 461 Cans of Frozen Eggs. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of unfit portion.** (F. D. C. No. 6645. Sample No. 84221-E.)

On January 5, 1942, the United States attorney for the Eastern District of New York filed a libel against 461 30-pound cans of frozen eggs at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about September 4, 1941, by St. Louis Refrigerating & Cold Storage Co. from St. Louis, Mo., 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: (Cans) "Pkd. by J. W. Coss & Co. Whole Egg \* \* \* Itn'l Stock Yds. Ill."

On February 20, 1942, Madison Baking Co., Brooklyn, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation and destruction of the unfit portion under the supervision of the Food and Drug Administration. On March 4, 1942, the decree was amended to permit denaturing of the unfit portion and sale of same for use in the tanning of leather.

**3281. Adulteration and misbranding of frozen egg yolk. U. S. v. 40 Cans, 100 Cans, and 25 Cans of Frozen Egg Yolk. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 7033. Sample Nos. 76787-E, 76788-E, 76789-E.)**

This product did not consist solely of yolk with 10 percent of sugar as indicated by its label, but contained added egg whites.

On April 8, 1942, the United States attorney for the District of Minnesota filed a libel against 165 30-pound cans of frozen egg yolks at St. Paul, Minn., alleging that the article had been shipped in interstate commerce on or about May 12, June 4, and July 17, 1941, by Rothenberg & Schneider Bros., Inc., from Chicago, Ill.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that a mixture of egg yolks, added egg whites, and approximately 10 percent of sugar had been substituted for yolks with approximately 10 percent of sugar, which it purported to be.

It was alleged to be misbranded in that the statement "Yolks with approximately 10% sugar" was misleading as applied to a mixture of egg yolks, added egg whites, and approximately 10 percent of sugar since it failed to reveal the material fact that the article contained egg whites.

On April 24, 1942, Rothenberg & Schneider Bros., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

**3282. Adulteration of frozen egg yolks. U. S. v. 77 Cans of Frozen Egg Yolks. Consent decree of condemnation. Product ordered released under bond to be reconditioned. (F. D. C. No. 6768. Sample No. 72092-E.)**

On January 27, 1942, the United States attorney for the Southern District of California filed a libel against 77 30-pound cans of frozen egg yolks at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about January 17, 1942, by Mountain States Creamery Co. from Salt Lake City, Utah; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On February 5, 1942, Mountain States Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be reconditioned under the supervision of the Food and Drug Administration. The unfit portion was segregated and denatured with kerosene.

**3283. Adulteration and misbranding of frozen egg yolks. U. S. v. 99 Cans and 200 Cans of Frozen Egg Yolks. Consent decrees of condemnation. Product ordered released under bond to be relabeled. (F. D. C. Nos. 6810, 6857. Sample Nos. 76587-E, 76596-E.)**

Examination showed that this product contained added egg whites and less than 43 percent of total egg solids.

On February 5 and 11, 1942, the United States attorney for the District of Minnesota filed libels against 99 30-pound cans of frozen egg yolks at Minneapolis, and 200 30-pound cans of frozen egg yolks at St. Paul, Minn., alleging that the article had been shipped in interstate commerce on or about July 16 and September 2, 1941, by Rothenberg & Schneider Bros. from Chicago, Ill.; and charging that it was adulterated and misbranded. It was labeled in part: "Yolks With Approx 10% Sugar."

The article was alleged to be adulterated in that a mixture of egg yolks, added egg whites, and approximately 10 percent sugar had been substituted for yolks with approximately 10 percent sugar, which it purported to be.

It was alleged to be misbranded (1) in that the statement "Yolks With Approx 10% Sugar" was false and misleading as applied to a mixture of egg yolks, added egg whites, and approximately 10 percent sugar; and (2) in that it purported to be a food for which a definition and standard of identity had been prescribed by regulations as provided by law, but it failed to conform to such definition and standard because it contained less than 43 percent total egg solids.