

**ALLEGED SHIPMENT:** On or about October 15, 1943, and March 14, 1944, from the State of Wisconsin into the States of Illinois and Indiana.

**LABEL, IN PART:** (Portion) "Whole Eggs 30 Lbs. Net Wt."

**VIOLATIONS CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a putrid and decomposed substance by reason of the presence of sour, putrid, and decomposed eggs.

Misbranding, Section 403 (e) (1), (all lots), the article was in package form and failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor. Further misbranding (Indiana lot), Section 403 (e) (2), it failed to bear a label containing a statement of the quantity of the contents; and, Section 403 (g) (2), it was a food for which a definition and standard of identity has been prescribed by the regulations, but it failed to bear a label containing the name of the food specified in the definition and standard.

**DISPOSITION:** October 6, 1944. A plea of nolo contendere having been entered as to the adulteration charges, and a plea of guilty as to the misbranding charges, a fine of \$100 on each count, a total of \$400, was imposed against the defendant.

**7249. Adulteration of frozen whole eggs. U. S. v. Harry Atlas' Sons, Inc., and Sigmund Atlas. Pleas of guilty. Corporation and individual defendant each fined \$500. Prison sentence suspended and individual defendant placed on 6 months' probation. (F. D. C. No. 7318. Sample Nos. 74873-E, 74874-E.)**

**INFORMATION FILED:** October 6, 1944, Southern District of New York, against Harry Atlas' Sons, Inc., New York, N. Y., and Sigmund Atlas, vice president, charging that the defendants caused a quantity of eggs to be introduced into interstate commerce by the Produce Terminal Storage Co., from Chicago, Ill., to Hartford, Conn., on or about October 17, 1941.

**LABEL, IN PART:** "Whole Eggs \* \* \* Packed By Blue Star Produce, Inc. Offices—Council Bluffs, Iowa."

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

**DISPOSITION:** December 8, 1944. Pleas of guilty having been entered on behalf of the defendants, the corporation and the individual were each fined \$500. Prison sentence was suspended with respect to the individual defendant, and he was placed on 6 months' probation.

**7250. Adulteration of frozen whole eggs. U. S. v. 1,600 Cartons of Frozen Whole Eggs (and 1 other seizure action against frozen whole eggs). Consent decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 14813, 14935. Sample Nos. 61865-F, 61866-F, 96816-F.)**

**LIBELS FILED:** On or about December 21, 1944, and January 4, 1945, Northern District of Texas.

**ALLEGED SHIPMENT:** Between the approximate dates of November 24 and December 8, 1944, by the B. J. Holmes Sales Co., San Francisco, Calif.

**PRODUCT:** 4,633 30-pound cartons of frozen whole eggs at Fort Worth, Tex.

**LABEL, IN PART:** "Holmestead Brand Frozen Whole Eggs."

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

**DISPOSITION:** December 26, 1944, and January 4, 1945. The Rubenstein Produce Co., claimant, having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released under bond for the segregation of the good from the bad, under the supervision of the Food and Drug Administration.

**7251. Adulteration of frozen whole eggs. U. S. v. 116 Cartons and 1,100 Cartons of Frozen Whole Eggs. Decrees of condemnation. Product ordered released under bond. (F. D. C. Nos. 13796, 13821. Sample Nos. 63363-F, 63375-F, 63377-F.)**

**LIBELS FILED:** September 18 and 25, 1944, Northern District of Georgia.

**ALLEGED SHIPMENT:** On or about April 19 and June 21, 1944, by Wilson & Co., from Murfreesboro, Tenn.

**PRODUCT:** 1,216 30-pound cartons of frozen whole eggs at Atlanta, Ga.

**LABEL, IN PART:** "Frozen Whole Eggs Frose Fresh."

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

**DISPOSITION:** October 19, 1944. Wilson & Co., Chicago, Ill., claimant, having admitted the allegations of the libels, judgments of condemnation were 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.

**7252. Adulteration of frozen whole eggs. U. S. v. 113 Cans of Frozen Eggs. Decree ordering product released under bond. (F. D. C. No. 12890. Sample No. 49692-F.)**

**LIBEL FILED:** July 6, 1944, Western District of New York.

**ALLEGED SHIPMENT:** On or about June 9, 1944, by the Highway Butter & Egg Co., from Indianapolis, Ind.

**PRODUCT:** 113 cans, each containing 30 pounds, of frozen whole eggs at Rochester, N. Y.

Delay in unloading the car resulted in the defrosting and decomposition of a portion of the product.

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

**DISPOSITION:** October 26, 1944. The New York Central Railroad Co. having appeared as claimant, judgment was entered ordering the product released under bond for segregation of the fit from the unfit portion, under the supervision of the Food and Drug Administration, and disposition of both portions in compliance with the law.

**7253. Adulteration of frozen whole eggs. U. S. v. 1,068 Cans of Frozen Whole Eggs. Decree ordering product released under bond. (F. D. C. No. 13034. Sample No. 49696-F.)**

**LIBEL FILED:** July 22, 1944, Western District of New York.

**ALLEGED SHIPMENT:** On or about June 28, 1944, by the Dallas Egg Products Co., from Zanesville, Ohio.

**PRODUCT:** 1,068 cans, each containing 30 pounds, of frozen whole eggs, at Rochester, N. Y.

The shipment was refused by the consignee because the cans were defrosted.

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

**DISPOSITION:** October 23, 1944. The New York Central Railroad Co. having appeared as claimant, judgment was entered ordering the product released under bond for segregation of the fit from the unfit portion, under the supervision of the Food and Drug Administration, and the disposition of both portions in compliance with the law.

**7254. Adulteration of frozen whole eggs. U. S. v. 600 Cartons, 300 Cans, and 300 Cans of Frozen Whole Eggs. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 13883. Sample No. 75446-F.)**

**LIBEL FILED:** September 30, 1944, Western District of New York.

**ALLEGED SHIPMENT:** On or about June 16, 1944, by the Merchants Ice & Cold Storage Co., from Louisville, Ky.

**PRODUCT:** 600 cartons and 600 cans, each containing 30 pounds, of frozen whole eggs at Buffalo, N. Y.

**LABEL, IN PART:** (Portion) "Whole Eggs \* \* \* packed by Dearmin & Company, Odon, Indiana."

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

**DISPOSITION:** October 23, 1944. A. E. Mills and Son, Inc., Boston, Mass., claimant, having admitted that some of the cans contained or may have contained decomposed eggs, but having averred that the product was not all bad, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be disposed of in compliance with the law, under the supervision of the Food and Drug Administration. The unfit portion was segregated and denatured.