

LABEL, IN PART: (Portion of drums) "Pevely Roller Process Super Test Skim Milk Powder."

VIOLATIONS CHARGED: Misbranding, Section 403 (g) (1), the product purported to be and was represented as nonfat dry milk solids, or defatted milk solids, a food for which a definition and standard of identity has been prescribed, and it failed to conform to such definition and standard since it was not made from sweet milk of cows but was made from neutralized sour skim milk, and since it contained over 5 percent by weight of moisture; and Section 403 (g) (2), (unlabeled drums only) the label failed to bear the name of the food specified in the definition and standard.

Further misbranding, Section 403 (e) (1), (unlabeled drums only) the product was a food in package form and it failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; and, Section 403 (e) (2), (all drums) it failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: January 30, 1945. The Pevely Dairy Co., St. Louis, Mo., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for use in stock feeding, under the supervision of an officer of the Federal Security Agency.

EGGS

S377. Adulteration of dried whole eggs. U. S. v. 20 Barrels of Dried Whole Eggs. Default decree of condemnation. Product ordered delivered to a Federal institution, for use as animal feed. (F. D. C. No. 14562. Sample No. 82871-F.)

LIBEL FILED: November 21, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about August 30, 1944, by the Van Vechten Milling Corp., Newark, N. J.

PRODUCT: 20 barrels, each containing 200 pounds, of dried whole eggs at Bronx, N. Y.

LABEL, IN PART: "Spray Dried Whole Egg * * * Samuel Dunkel & Co., Inc. N. Y. C., N. Y."

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

DISPOSITION: February 23, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a Federal institution, for use as animal feed.

S378. Adulteration of dried eggs. U. S. v. 11 Barrels of Dried Eggs. Default decree of condemnation. Product ordered delivered to a public institution, for use as animal feed. (F. D. C. No. 14860. Sample No. 93643-F.)

LIBEL FILED: December 27, 1944, District of New Jersey.

ALLEGED SHIPMENT: On or about November 3, 1944, by J. J. Shevelove, agent for the Van Vechten Mfg. Corp., from Brooklyn, N. Y.

PRODUCT: 11 barrels containing approximately 1,800 pounds of dried eggs at Newark, N. J.

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

DISPOSITION: April 2, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution, for use as animal feed.

S379. Adulteration of dried whole eggs. U. S. v. 2 Barrels, 7 Barrels, and 13 Barrels of Dried Whole Eggs. Default decree of condemnation. Product ordered delivered to a Federal correctional institution. (F. D. C. No. 15057. Sample Nos. 82874-F to 82876-F, incl.)

LIBEL FILED: January 16, 1945, District of New Jersey.

ALLEGED SHIPMENT: On or about March 23 and April 5, 1943, by the F. S. C. C., from Brooklyn, N. Y.

PRODUCT: 22 200-pound barrels of dried whole eggs at Jersey City, N. J.

LABEL, IN PART: "Samuel Dunkel and Co. Inc., New York, N. Y."

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

DISPOSITION: March 20, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a Federal correctional institution, for use as hog feed.

8380. Adulteration of frozen eggs. U. S. v. Harry D. Shoemaker (Iowa Pacific Butter & Egg Co.). Plea of guilty. Fine, \$400 and costs. (F. D. C. No. 12563. Sample Nos. 49624-F to 49626-F, incl., 57462-F.)

INFORMATION FILED: February 20, 1945, Southern District of Iowa, against Harry D. Shoemaker, trading as the Iowa Pacific Butter & Egg Co., Ottumwa, Iowa.

ALLEGED SHIPMENT: Between the approximate dates of June 5 and July 14, 1943, from the State of Iowa into the State of New York.

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

DISPOSITION: September 14, 1945. The defendant having entered a plea of guilty, the court imposed a fine of \$100 on each count, a total fine of \$400 and costs.

8381. Adulteration of frozen whole eggs. U. S. v. 37 Cans of Frozen Whole Eggs. Default decree ordering product disposed of as animal feed or destroyed. (F. D. C. No. 14948. Sample No. 97713.)

LIBEL FILED: January 5, 1945, District of Minnesota.

ALLEGED SHIPMENT: On or about March 28, 1944, by the Cudahy Packing Co., from Fairmount, N. Dak.

PRODUCT: 37 30-pound cans of frozen whole eggs at New Ulm, Minn.

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

DISPOSITION: February 28, 1945. No claimant having appeared, judgment was entered ordering that the product be destroyed or disposed of as animal feed, under the direction of the Food and Drug Administration.

8382. Adulteration of frozen whole eggs. U. S. v. 285 Cans of Frozen Whole Eggs. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14508. Sample No. 90731-F.)

LIBEL FILED: On or about November 27, 1944, Southern District of Ohio.

ALLEGED SHIPMENT: On or about October 9, 1944, by Rothenberg & Schneider Brothers, Inc., Chicago, Ill.

PRODUCT: 285 30-pound cans of frozen whole eggs at Cincinnati, Ohio.

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

DISPOSITION: December 27, 1944. Rothenberg & Schneider Brothers, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed under the supervision of the Food and Drug Administration.

8383. Adulteration of frozen whole eggs. U. S. v. 124 Cans of Frozen Whole Eggs. Default decree of condemnation. Unfit portion ordered segregated and destroyed. (F. D. C. No. 13664. Sample No. 59931-F.)

LIBEL FILED: September 15, 1944, Eastern District of Wisconsin.

ALLEGED SHIPMENT: On or about July 7, 1944, by the Ballas Egg Products Co., Inc., from Zanesville, Ohio.

PRODUCT: 124 30-pound cans of frozen whole eggs at Milwaukee, Wis.

LABEL, IN PART: "Red Star Frozen Eggs."

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

DISPOSITION: March 1, 1945. No claimant having appeared, judgment of condemnation was entered, and it was ordered that the unfit portion of the product be segregated and destroyed and that the fit portion be disposed of in compliance with the law.

8384. Adulteration of frozen whole eggs. U. S. v. 77 Cartons of Frozen Whole Eggs. Default decree of condemnation and destruction. (F. D. C. No. 14748. Sample No. 59967-F.)

LIBEL FILED: On or about December 15, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: On or about July 11, 1944, by the Tracy Products Co., from Tracy, Minn.