

Accordingly, on October 9, 1908, the Secretary of Agriculture reported the facts to the Attorney-General, by whom they were duly referred to the United States attorney for the District of Columbia, who forthwith filed a libel for seizure and condemnation of said four barrels of liquor under section 10 of the aforesaid act, with the result hereinbefore stated.

H. W. WILEY,
F. L. DUNLAP,
GEO. P. McCABE,

Approved: *Board of Food and Drug Inspection.*

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *March 13, 1909.*

(N. J. 46.)

ADULTERATION OF EGGS.

(FILTHY, DECOMPOSED ANIMAL SUBSTANCE.)

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given that on the 25th day of November, 1908, in the district court of the United States for the eastern district of Michigan, in the proceeding of libel for condemnation of 276 tubs of adulterated eggs, that is to say, eggs which had been removed from their shells and frozen into a solid mass and consisting in part of a filthy, decomposed, and putrid animal substance unfit for food, wherein the United States was libelant and Spencer & Howes, a corporation, was claimant, the cause having come on for hearing and the said claimant having admitted the allegations of the libel, decrees of forfeiture and condemnation and redelivery to claimant, under the terms of its bond filed in accordance with section 10 of the act were rendered, in substance and in form as follows:

UNITED STATES OF AMERICA—THE DISTRICT COURT OF THE UNITED STATES
FOR THE EASTERN DISTRICT OF MICHIGAN—SOUTHERN DIVISION.

UNITED STATES OF AMERICA }
vs. } No. 5211.
276 TUBS "EGGS."

Spencer and Howes, a corporation organized and doing business under the laws of the State of Michigan, of the city of Detroit, Michigan, by William C. Manchester, their proctor, come now into court and acknowledge that the above entitled eggs are composed in whole and in part of a filthy, decomposed, and putrid animal substance as set forth in the libel filed in said cause, and consent that the same may be condemned and forfeited to the United States, under the provisions of the act of Congress of June 30, 1906, entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating

traffic therein, and for other purposes," subject to the right of said claimants to give bond therefor and obtain delivery thereof upon the terms and conditions of section 10 of the above entitled act of Congress.

Now, therefore, it is hereby ordered, adjudged; and decreed that the said eggs be, and the same are hereby, condemned and forfeited to the United States as being filthy and decomposed eggs, animal substance, and as being unfit and improper for use as foods, within the provisions of the aforesaid act of Congress.

HENRY H. SWAN,
District Judge.

NOVEMBER 25, A. D. 1908.

THE DISTRICT COURT OF THE UNITED STATES FOR THE EASTERN DISTRICT
OF MICHIGAN—SOUTHERN DIVISION.

UNITED STATES OF AMERICA }
 vs. } No. 5221.
276 TUBS "EGGS."

Whereas a decree has been entered in the above-entitled cause condemning and forfeiting the above-entitled eggs to the United States subject to the right of said claimant, Spencer and Howes, to give bond therefor and obtain delivery thereof upon the terms and conditions of section 10 of the act of Congress of June 30, 1906, entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes,"

And whereas the said claimant has paid the costs of the said libel proceedings in the above-entitled cause, and has executed a bond in the sum of five hundred (\$500.00) dollars, to the effect that said eggs shall not be sold or otherwise disposed of contrary to the provisions of said section 10 of the aforesaid act of Congress, or contrary to the laws of any State, Territory, District, or insular possession, and that said eggs shall not be permitted in any way to go into consumption as food stuffs:

Now, therefore, it is hereby ordered, adjudged, and decreed that the said eggs be delivered to the said Spencer and Howes, the owners and claimants thereof.

HENRY H. SWAN,
District Judge.

NOVEMBER 25, A. D. 1908.

The facts in this case were as follows:

On or about June 30, 1908, an inspector of the Department of Agriculture found in the possession of Spencer & Howes, in Detroit, Mich., a consignment of 276 tubs of unshelled, frozen eggs which had been shipped to them by C. Eberle & Sons, of Cincinnati, Ohio. The tubs bore no label or other marks which would indicate the nature of the contents, but the consignment had been invoiced as eggs. An investigation made by an inspector of the Department of Agriculture revealed the fact that these were refuse eggs culled by the shippers from fresh, sound, and salable eggs and afterwards broken and the contents frozen into a solid mass.

On July 30, 1908, the facts were reported by the Secretary of Agriculture to the United States attorney for the eastern district of Michigan

and libel for seizure and condemnation was duly filed, with the result hereinbefore stated.

H. W. WILEY,
F. L. DUNLAP,
GEO. P. MCCABE,

Approved: *Board of Food and Drug Inspection.*

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *March 13, 1909.*

(N. J. 47.)

MISBRANDING OF MAPLE SIRUP.

(AS TO PRESENCE OF MAPLE SIRUP.)

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given that on the 27th day of November, 1908, in the district court of the United States for the northern district of Ohio, in a prosecution by the United States against H. Y. Scanlon, doing business at Cleveland, Ohio, under the name of the Western Reserve Syrup Company, for violation of section 2 of the aforesaid act in shipping and delivering for shipment from Ohio to Michigan a misbranded sirup, that is to say, a sirup contained in bottles labeled "Western Reserve Ohio Blended Maple Syrup. This syrup is made from the sugar maple tree and cane sugar and guaranteed to be in accordance with the National Pure Food Laws. Western Reserve Syrup Co., Cleveland, O.," which was not a blended maple sirup, but a cane sugar sirup flavored with maple extracted in the factory of the producer from wood of parts of maple trees, the defendant having entered a plea of not guilty, and the case having been submitted to the court upon testimony and argument of counsel, the court found for the United States and sentenced the defendant to pay a fine of \$50 and costs.

FINDING, OPINION, AND JUDGMENT OF THE COURT.

IN THE DISTRICT COURT OF THE UNITED STATES, NORTHERN DISTRICT OF OHIO, EASTERN DIVISION.

THE UNITED STATES, <i>Plaintiff,</i>	} No. 3284. Opinion, Nov. 27, 1908.
<i>vs.</i>	
H. Y. SCANLON, <i>Defendant.</i>	

TAYLER, J. (orally):

A cursory examination of this label—that is the only examination that the ordinary customer makes, and that is the examination which is controlling in a case of this kind—presents the suggestion, if it does not carry with it the absolute statement, that this bottle contains Ohio maple syrup; but a careful scrutiny discloses, between the red words "Ohio" above and "Maple Syrup" below, a blue word "Blended," and then, below that, in smaller type, the statement that "This syrup is made from the sugar maple tree and cane sugar."