

It was apparent, therefore, that the goods were misbranded as they were labeled as containing 26 per cent of protein and 10 per cent of fat, whereas they contained only 21.22 per cent of protein and 9.40 per cent of fat. The Secretary of Agriculture having on July 14, 1908, afforded the manufacturers an opportunity to show any fault or error in the findings of the analyst and they having failed to do so, the facts were duly reported to the attorney-general and the case referred to the United States attorney for the southern district of Ohio, who filed an information against the said J. W. Biles Company, with the result hereinbefore stated.

H. W. WILEY,
F. L. DUNLAP,
GEO. P. McCABE,
Board of Food and Drug Inspection.

Approved:

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *November 1, 1909.*

(N. J. 103.)

ADULTERATION OF EGGS.

(PRESENCE OF PUTRID AND DECOMPOSED ANIMAL MATTER.)

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 of the judgment of the court in the case of the United States *v.* Twenty-five packages, each containing 30 dozen eggs, a proceeding for libel for seizure and condemnation of said eggs under section 10 of the aforesaid act and in the case of the United States *v.* Samuel Cohen, a prosecution under section 2 of the act, for shipping and delivering said eggs for shipment, lately pending in the district court of the United States for the eastern district of Pennsylvania. The eggs were adulterated within the meaning of section 7 of the act in that they consisted in whole or in part of putrid and decomposed animal matter, rendering them unfit for human food. Seizure of the eggs having been effected under libel filed therefor, and this case coming on for hearing on December 22, 1908, in pursuance of notice to all parties interested, and after full testimony for the United States, no claimant appearing, the court rendered its decree, adjudging the eggs adulterated and ordering their destruction, in form and substance as follows:

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE EASTERN DISTRICT
OF PENNSYLVANIA.

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| <p>THE UNITED STATES OF AMERICA vs. TWENTY-FIVE PACKAGES EACH CONTAINING Thirty Dozen Eggs.</p> | } | <p>Libel for condemnation No. 8 of 1908.</p> |
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To the Honorable, The Judges of the district court of the United States for the eastern district of Pennsylvania:

On motion of J. Whitaker Thompson, esq., attorney for the United States in and for the eastern district of Pennsylvania, and attorney for the libelant herein, and it appearing to the court that upon the libel filed herein on the 22nd day of December, A. D. 1908, and under the process issued thereunder and pursuant thereto, the marshal for the eastern district of Pennsylvania has seized twenty-five packages, each containing thirty dozens of eggs, the said twenty-five packages, each containing thirty dozens of eggs, having been in the possession of the Pennsylvania Railroad Company, at, to wit, its freight depot, located at Delaware avenue and Walnut street, in the city of Philadelphia, and district aforesaid, and the said twenty-five packages, each containing thirty dozens of eggs, having been theretofore, on, to wit, the 22nd day of December, A. D. 1908, deposited with the said Pennsylvania Railroad Company, for transportation from the State of Pennsylvania to the State of New York by Louis Lazar as consignor, and consigned to Charles Lazar, New York City, New York, consignee, and now being stored in the custody of the said marshal;

And it further appearing by the sworn report of the analyst filed in this case, of the examinations of samples of the said eggs, as is provided by the said act of Congress of June 30th, 1906, that the said eggs are adulterated and of a deleterious character, within the meaning of the said act of Congress;

And it further appearing that due and legal notice and proclamation were given to all persons having any claim, right, or interest herein to appear on the 15th day of January, A. D. 1909, and answer the exigencies of the said libel; and on the said return day the said Louis Lazar, consignor, and the said Charles Lazar, consignee, as aforesaid, having defaulted in filing an answer to the said libel, the said Pennsylvania Railroad Company having filed an answer admitting the possession of the said twenty-five packages, each containing thirty dozens of eggs, for transportation as aforesaid, and no party having appeared as claimant or owner of the said twenty-five packages, each containing thirty dozens of eggs, and no objection having been signified to the court, it is, on this — day of January, A. D. 1909:

Ordered, adjudged, and decreed, that the said twenty-five packages, each containing thirty dozens of eggs, as aforesaid, be, and they are hereby, declared to be adulterated in violation of the act of June 30th, 1906, as charged in said libel.

And it is further ordered, that the said twenty-five packages, each containing thirty dozens of eggs as aforesaid, be, and they are hereby, condemned and ordered to be destroyed, as prayed for in the said libel, and provided for in the act of Congress of June 30th, 1906; and it is further ordered and decreed, that the same be destroyed by the marshal and that he make report of such destruction to the court.

By the court.

MCPHERSON,
United States District Judge.

Attest:

H. W. CRAIG,
Clerk, Dist. Court, United States, Eastern Dist. Pa.

Subsequently it developed that one Samuel Cohen of Philadelphia, Pa., was the consignor of these eggs, whereupon the facts were presented to the grand jury and indictment returned against said Cohen for violation of section 2 of the act, in shipping and delivering for shipment the aforesaid eggs from Pennsylvania to New York; defendant was arraigned thereon and on March 10, 1909, entered his plea of guilty, upon which the court rendered its judgment and passed sentence as follows:

And now the defendant being arraigned says he is guilty in manner and form as he stands indicted, and now all and singular the premises being seen and by the court here fully understood, it is considered and adjudged that the defendant, Samuel Cohen, pay to the United States a fine of \$50.00, that he pay the cost of the prosecution, and stand committed until judgment be fully complied with. The defendant this day pays into the registry of the court the fine of \$50.00, and the cost \$51.68, and is therefore discharged from custody.

The facts in the case were as follows:

On or about December 22, 1908, an inspector of the dairy and food division of the Pennsylvania department of agriculture, acting under authorization from the Secretary of the United States Department of Agriculture to James Foust, dairy and food commissioner of said State, in accordance with regulation 3 of the rules and regulations for the enforcement of the Food and Drugs Act of June 30, 1906, found in the possession of the Pennsylvania Railroad Company at Philadelphia, Pa., twenty-five cases of eggs, which had been delivered for shipment from that city to Louis Lazar, New York, N. Y. Samples of the eggs were procured and subjected to analysis and found to be decomposed and unfit for human consumption.

The facts were reported to the United States attorney for the eastern district of Pennsylvania, by whom libel for seizure under section 10 of the act was promptly filed and prosecution instituted under section 2, as above stated, with the result hereinbefore set out.

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

Board of Food and Drug Inspection.

Approved:

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *November 1, 1909.*

(N. J. 104.)

ADULTERATION AND MISBRANDING OF STOCK FEED.

(AS TO PRESENCE OF RICE HULLS.)

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