

6239. Misbranding of Eggette. U. S. * * * v. 100 Cartons and 1 Ten-Pound Paper Bag of So-Called Eggette. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 373-c.)

On December 20, 1917, the United States attorney for the District of Kansas, acting upon a report by the secretary of the State Board of Health of Kansas, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 100 cartons, each containing 12 packages, and 1 ten-pound paper bag of Eggette, remaining unsold in the original unbroken packages at Topeka, Kans., alleging that the article had been shipped on or about December 14, 1917, by the Bestever Products Co., Deering, Ill., and transported from the State of Illinois into the State of Kansas, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part, "Eggette. Egg Substitute * * *."

Misbranding of the article was alleged in the libel for the reason that it contained a larger per cent of cereal product, and that the label or brand was misleading and false and calculated to induce the purchaser to believe that the product was a substitute for eggs, and that each 10-cent package was equal in food value to 12 eggs, when, in truth and in fact, it contained a large per cent of cereal. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight.

On March 11, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold by the United States marshal, and that the purchaser execute a bond in the sum of \$100, in conformity with section 10 of the act, conditioned in part that the product should be properly labeled.

G. I. CHRISTIE, *Acting Secretary of Agriculture,*