

3735. Adulteration of frozen eggs. U. S. * * * v. 229 Crates * * * of Mixed Frozen Eggs. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 5970. I. S. No. 1708-k. S. No. E-127.)

On October 5, 1914, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 229 crates, more or less, each containing two 30-pound cans of mixed frozen eggs, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the product had been shipped, on or about September 14, 1914, by the Victor Produce Co., Duluth, Minn., and transported from the State of Minnesota into the State of New York, consigned to itself, at New York, N. Y., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the product was liable to seizure and condemnation as provided in the Food and Drugs Act in that said product consisted in whole or in part of a filthy, decomposed, and putrid animal substance, in violation of section 7, paragraph 6, under the title "Food" of said act, particularly in that the bacteriological examination disclosed an extensive number of organisms, and, further, in that a physiological examination disclosed that said eggs were musty and sour and of a bad odor, and, further, in that a microchemical examination showed that the product was decomposed.

On March 5, 1915, the said Victor Produce Co., claimant, having consented to the entry of a decree, judgment of condemnation and forfeiture was pronounced, and it was ordered by the court that the product should be delivered to said claimant upon payment of all the costs of the proceedings and the execution of bond in the sum of \$250, in conformity with section 10 of the act, one of the conditions of the bond being that the product should be sold and utilized for technical purposes only.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *April 16, 1915.*