

19748. Adulteration of dressed poultry. U. S. v. 1 Barrel of Poultry. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27777. I. S. No. 53008. S. No. 5875.)

Samples of dressed poultry from the shipment herein described having been found to be diseased and partially decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On February 26, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of one barrel of poultry, containing 37 birds, at Chicago, Ill., alleging that the article had been shipped on or about February 16, 1932, by F. M. Priest & Sons, St. James, Minn., that it was consigned by Butterfield Creamery & Produce Co., Butterfield, Minn., that it had been transported from the State of Minnesota into the State of Illinois, and that it was adulterated in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed, filthy, and putrid animal substance and in that it consisted of portions of an animal unfit for food.

On April 22, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered by the court, ordering that the product be destroyed by the United States marshal.

HENRY A. WALLACE, *Secretary of Agriculture.*

19749. Adulteration and misbranding of canned frozen eggs. U. S. v. 597 Cans of Frozen Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 27802. I. S. No. 50623. S. No. 5829.)

This action was based on the interstate shipment of a quantity of canned frozen eggs, samples of which were found to contain an excessive amount of the white of eggs.

On or about March 7, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel, and subsequently an amended libel, praying seizure and condemnation of 597 cans of frozen eggs at Chicago, Ill., alleging that the article had been shipped by Swift & Co., from South Omaha, Nebr., on or about December 12, 1931, and had been transported from the State of Nebraska into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Mixed."

It was alleged in the amended libel that the article was adulterated in that a substance, added egg whites, had been mixed and packed with and substituted in whole or in part for the article.

Misbranding was alleged for the reason that the designation "Mixed" was false and misleading, and deceived and misled the purchaser when applied to mixed eggs containing an added ingredient, to wit, egg whites.

On April 2, 1932, Swift & Co., claimant, having filed a claim and answer for the property, and having admitted the allegations of the amended libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant for relabeling, under the supervision of this department, upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it should not be sold or disposed of contrary to the Federal food and drugs act or the laws of any State, Territory, District, or insular possession.

HENRY A. WALLACE, *Secretary of Agriculture.*

19750. Adulteration of candy. U. S. v. 23 Boxes of Candy. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 27268. I. S. No. 45816. S. No. 5408.)

This action involved the interstate shipment of a quantity of candy, in which a hard marble was embedded and concealed in each piece.

On November 21, 1931, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 23 boxes of candy, remaining in the original unbroken packages at Meridian, Miss., alleging that the article had been shipped in interstate commerce on or about March 7, 1929, by the Huggins Candy Co., from Nashville, Tenn., to Meridian, Miss., and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Red Wing