21149. Adulteration and misbranding of canned frozen eggs. U. S. v. Swift & Co. Plea of nolo contendere. Fine, $200 and costs. (F. & D. no. 29353. I. S. nos. 52130, 52267.)

This case was based on an interstate shipment of canned frozen eggs which were found to contain excessive moisture.

On December 15, 1932, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Swift & Co., a corporation, trading at Keokuk, Iowa, alleging shipment by said company in violation of the Food and Drugs Act, on or about May 19, 1931, from the State of Iowa into the State of Michigan, of a quantity of canned frozen eggs which were adulterated and misbranded. The article was labeled in part: "Brookfield Frozen Whole Eggs Free from Adulterants * * * Swift & Company * * * Unadulterated—Nothing is added or taken away."

It was alleged in the information that the article was adulterated in that an added substance, water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the article.

Misbranding was alleged for the reason that the statements, "Frozen Eggs Whole Free from Adulterants * * * Unadulterated * * * Nothing is added", borne on the cans, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it was not composed solely of frozen whole eggs free from adulterants, it was not unadulterated, and was not an article to which nothing had been added, but was an adulterated article composed, in part of an added adulterant, water.

On May 3, 1933, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of $200 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

21150. Misbranding of corn meal. U. S. v. 30 Sacks and 60 Sacks of Meal. Default decree of condemnation, forfeiture, and sale. (F. & D. no. 30054. Sample nos. 33635–A, 33636–A.)

These cases involved shipments of corn meal, sample sacks of which were found to contain less than the weight declared on the label.

On April 5, 1933, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of thirty 24-pound sacks and sixty 10-pound sacks of corn meal at Natchez, Miss., alleging that the article had been shipped in interstate commerce, on or about March 21 and March 29, 1933, by Geisenberg & Friedler, from Ferriday, La., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Red Head Meal * * * 24-Lbs. Net [or "10-Lbs. Net."]."

It was alleged in the libel that the article was misbranded in that the statements, "24 Lbs." and "10 Lbs.", borne on the labels, were false and misleading and deceived and misled the purchaser, and 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 packages, since the sacks contained less than declared.

On May 17, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21151. Adulteration and misbranding of milk chocolate coating. U. S. v. Eatmor Chocolate Co. Tried to a jury. Verdict of guilty. Fine, $200. (F. & D. no. 27559. I. S. no. 33951.)

This case was based on an interstate shipment of alleged milk chocolate coating which was found to consist of chocolate coating prepared with skim milk.

On April 28, 1932, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Eatmor Chocolate Co., Pittsburgh, Pa., alleging shipment by said company, in violation of the Food