"Members of the jury: Undoubtedly you have heard what the court has said with reference to the motion made not in your presence. And it becomes the duty of the court to ask you to render a verdict of not guilty."

Nos. 3052 to 3055 report the seizure and disposition of frozen eggs that were in whole or in part decomposed.

3052. Adulteration of frozen eggs. U. S. v. 10 Cans, 22 Cans, and 34 Cans of Frozen Eggs. Default decrees of condemnation and destruction. (F. D. C. Nos. 6868, 6873, 7053. Sample Nos. 90450–E, 90801–E, 90802–E.)

On February 16 and 17 and March 18, 1942, the United States attorneys for the District of Massachusetts and the District of Rhode Island filed libels against 10 30-pound cans of frozen eggs at Springfield, Mass., and 56 30-pound cans of frozen eggs at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about January 23, February 2, and March 6, 1942, by Sam Greenbaum from Newark, N. J.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On March 23 and April 1 and 22, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

3053. Adulteration of frozen whole eggs. U. S. v. 75 Cans of Frozen Whole Eggs. Default decree of condemnation and destruction. (F. D. C. No. 6655. Sample No. 84216–E.)

On January 6, 1942, the United States attorney for the District of New Jersey filed a libel against 75 cans of frozen whole eggs at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about December 16, 1941, by Marshall Kirby & Co., from Brooklyn, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On May 9, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

3054. Adulteration of frozen eggs. U. S. v. 1,143 Cans of Frozen Whole Eggs and 202 Cans of Frozen Egg Meats. Consent decree of condemnation. Product ordered released under bond to be reconditioned. (F. D. C. Nos. 6134, 6135. Sample Nos. 61831–E to 61833–E, incl.)

Examination of this product showed the presence of decomposed eggs.

On November 1, 1941, the United States attorney for the Eastern District of Washington filed a libel against 1,345 30-pound cans of frozen eggs at Spokane, Wash., alleging that the articles had been shipped in interstate commerce, the frozen whole eggs having been shipped by Northwest Poultry & Dairy Products Co. from Portland, Oreg., and the frozen egg meats having been shipped by Idaho Egg Producers from Caldwell, Idaho, within the period from on or about June 23 to on or about October 10, 1941; and charging that they were adulterated in that they consisted wholly or in part of decomposed substances.

On December 16, 1941, Northwest Poultry & Dairy Products Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be reconditioned under the supervision of the Food and Drug Administration. The unfit portion was segregated and destroyed.

3055. Adulteration of frozen eggs. U. S. v. 152 Cans of Frozen Eggs. Consent decree of condemnation. Product ordered released under bond for segregation and salvage. (F. D. C. 6366. Sample No. 84201–E.)

Examination of this product showed the presence of decomposed eggs.

On December 9, 1941, the United States attorney for the Southern District of New York filed a libel against 152 cans of frozen eggs at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about November 19, 1941, by L. Rudolf & Co. from Jersey City, N. J.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Whites and Yolk Mixed * * * Packed by Iowa Egg Company, Des Moines, Iowa."

On January 15, 1942, Samuel Dunkel & Co., Inc., New York, N. Y., claimant having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that the good portion be separated from the bad under the supervision of the Food and Drug Administration and that the latter be destroyed or denatured.