

**PRODUCT:** 173 200-pound barrels of dried skim milk at National Stock Yards, Ill.

**LABEL, IN PART:** "Roller Process Dried Skim Milk."

**VIOLATIONS CHARGED:** Adulteration (100 barrels), Section 402 (a) (3), the article was unfit for food. Adulteration (both lots), Section 402 (b) (2), a product made from neutralized sour skim milk had been substituted for dried skim milk.

Misbranding, Section 403 (a), the statement "Dried Skim Milk (For Human Consumption)," which appeared on the label, was false and misleading as applied to the product, since it was unfit for human consumption; and, Section 403 (g) (1), it purported to be and was represented as dried skim milk, but it failed to conform to the standard prescribed by the regulations since it had not been made from sweet skim milk, as required by the standard.

**DISPOSITION:** February 1 and March 27, 1944. The Saline County Milk Producers' Association having appeared as claimant, judgments of condemnation were entered and the product was ordered released under bond to be relabeled and sold for use in the manufacture of animal feed, under the supervision of the Food and Drug Administration.

### EGGS AND EGG PRODUCTS

**6265. Adulteration of dried whole eggs. U. S. v. 166 Barrels of Dried Whole Eggs. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 10020. Sample No. 17591-F.)**

**LIBEL FILED:** May 26, 1943; libel amended January 19, 1944, Eastern District of New York.

**ALLEGED SHIPMENT:** On or about March 10, 1943, by the United States Navy, from Boston, Mass.

**PRODUCT:** 166 175-pound barrels of dried whole eggs at Brooklyn, N. Y.

**LABEL IN PART:** "Spray Dried Whole Egg \* \* \* Samuel Dunkel & Co Inc N. Y. C. N. Y. \* \* \* Mfd. Walton, N. Y."

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3) the article consisted in whole or in part of a decomposed substance.

**DISPOSITION:** March 9, 1944. The H. A. Johnson Co. Inc., New York, N. Y., having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and denatured under the supervision of the Federal Security Agency.

**6266. Adulteration of dried whole eggs. U. S. v. 391 Barrels of Dried Whole Eggs (and 2 other seizure actions against dried whole eggs). Consent decree of condemnation. Product ordered released under bond for segregation and destruction or denaturing of the unfit portion. (F. D. C. Nos. 10736, 10737, 10852. Sample Nos. 17597-F, 17598-F.)**

**LIBELS FILED:** On or about September 11 and October 1, 1943, District of New Jersey.

**ALLEGED SHIPMENT:** Between November 18 and December 21, 1942, by the Federal Surplus Commodities Corporation, from Brooklyn, N. Y.

**PRODUCT:** 522 200-pound barrels of dried whole eggs at Jersey City, N. J.

**LABEL, IN PART:** (Some barrels) "Samuel Dunkel & Co. NYC, NY."

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

**DISPOSITION:** February 14, 1944. The cases having been consolidated, and the Importers Commission Co., Inc., New York, N. Y., having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed, or denatured and disposed of as fish food, fertilizer, or other technical purpose.

**6267. Adulteration of frozen whole eggs. U. S. v. 1,335 Cartons and 1,356 Cartons of Frozen Whole Eggs (and 5 other seizure actions against frozen whole eggs). Consent decrees of condemnation. Product ordered re-released under bond or upon deposit of other collateral. (F. D. C. Nos. 11284, 11301, 11454, 11514, 11542. Sample Nos. 38850-F, 38851-F, 38856-F, 38857-F, 49624-F to 49626-F, incl., 57462-F.)**

**LIBEL FILED:** Between December 8 and 30, 1943, Northern District of Illinois, Western and Southern Districts of New York.

**ALLEGED SHIPMENT:** From on or about June 5 to July 14, 1943, by the Iowa Pacific Butter and Egg Co., from Ottumwa, Iowa.

**PRODUCT:** 5,243 cartons at Chicago, Ill., 3,639 cartons at Buffalo, N. Y., and 1,183 cartons at New York, N. Y., labeled as containing 30 pounds of frozen whole eggs.

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

**DISPOSITION:** Between January 7 and April 17, 1944. The Iowa Pacific Butter and Egg Co. having appeared as claimant for the lots at Chicago and Buffalo and for a portion of the product at New York, and Aiello Bros., Inc., Montclair, N. J., having appeared as claimant for the remainder of the product at New York, judgments of condemnation were entered. The Chicago and New York lots were ordered released under bond or other collateral, conditioned that the unfit portion be segregated and denatured under the supervision of the Food and Drug Administration. The Buffalo lots were ordered released upon deposit of a certified check, conditioned that the unfit portion be segregated and disposed of in conformity with the law, under the supervision of the Food and Drug Administration. The unfit portion of the Buffalo lots was subsequently denatured.

**6268. Adulteration of shell eggs. U. S. v. 385 Cases of Shell Eggs. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 11515. Sample No. 66134-F.)**

**LIBEL FILED:** December 28, 1943, District of New Jersey.

**ALLEGED SHIPMENT:** On or about August 8, 1943, by Tyson Produce, Sioux City, Iowa, from Clinton, Iowa.

**PRODUCT:** 385 cases, each containing 30 dozen shell eggs, at Jersey City, N. J.

**LABEL, IN PART:** "Specials Tyson Produce."

**VIOLATION CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

**DISPOSITION:** January 31, 1944. George Wittner & Co., Inc., New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed, or denatured and disposed of for technical purposes, under the supervision of the Food and Drug Administration.

**6269. Adulteration of albumen skimmings. U. S. v. Joe Lowe Corporation. Plea of nolo contendere. Fine, \$500. (F. D. C. No. 9615. Sample Nos. 2207-F, 2210-F.)**

**INFORMATION FILED:** On July 7, 1943, in the Western District of Texas, against the Joe Lowe Corporation, San Antonio, Texas.

**ALLEGED SHIPMENT:** July 5 and 17, 1942, from the State of Texas into the State of Illinois.

**VIOLATIONS CHARGED:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of flies, beetles, larvae, pupae, insect fragments, and cast skins of larvae in one of the lots, and of the same kinds of filth and also mold in the other lot; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

**DISPOSITION:** January 7, 1944. The defendant having entered a plea of nolo contendere, the court imposed a fine of \$500.

## FEEDS

**6270. Adulteration of hog feed. U. S. v. Charles L. Whyte (Whyte Feed Mills). Plea of nolo contendere. Fine, \$25 (F. D. C. No. 10597. Sample No. 25721-F.)**

**INFORMATION FILED:** On December 6, 1943, in the Eastern District of Arkansas, against Charles L. Whyte, trading as the Whyte Feed Mills, Pine Bluff, Ark.

**ALLEGED SHIPMENT:** On or about March 10, 1943, from the State of Arkansas into the State of Texas.

**PRODUCT:** (Tags) "Horseshoe 40% Protein Supplement For Hogs."