CHARGE: 402(a)(3)—contained decomposed eggs when shipped.

DISPOSITION: 9–3–64. Consent—claimed by Earl K. Riley Co. Segregated; 63 cans denatured.

29936. Frozen eggs (2 seizure actions). (F.D.C. Nos. 50604; 50653. S. Nos. 7–324 A, 9–893/4 A; 113–101 A.)

QUANTITY: 205 30-lb. cans at Baltimore, Md.

SHIPPED: 8–24–64 and 9–16–64, from Burgaw, N.C., by Carlisle Poultry & Egg Associates, Inc.

LABEL IN PART: (Some cans) "Carlisle Poultry and Egg Assoc., Inc. Burgaw, North Carolina. * * * Whole Eggs."

LIBELED: 10–1–64, 10–5–64, Dist. Md.

CHARGE: 402(a)(3)—contained decomposed eggs when shipped.

DISPOSITION: 11–10–64. Consent—claimed by shipper for reconditioning. The reconditioning operations were unsuccessful and the article was subsequently destroyed.

29937. Frozen eggs. (F.D.C. No. 50725. S. Nos. 86–719 A, 88–126 A.)

QUANTITY: 26 30-lb. cans, at Memphis, Tenn.

SHIPPED: 7–9–64, from Birmingham, Ala., by Schneider Bros., Inc.

LABEL IN PART: "Frozen Selected Whole Eggs * * * Packed By Schneider Bros., Inc. Birmingham, Ala."

LIBELED: 10–23–64, W. Dist. Tenn.

CHARGE: 402(a)(1)—when shipped, the article contained an added poisonous and deleterious substance, salmonella micro-organisms (pathogenic bacteria), which may render it injurious to health.

DISPOSITION: 12–3–64. Default—delivered to a Government institution for use as hog feed after cooking.

29938. Egg mix. (F.D.C. No. 49627. S. No. 25–417 X.)

QUANTITY: 84 cases, each containing 12 4-oz. pkgs. of 6 packets each, at Fort Wayne, Ind.

SHIPPED: 8–29–63 and 10–8–63, from Chicago, Ill., by Kraft Foods.

LABEL IN PART: (Pkg.) "New From Kraft * * * Handier than a Dozen Eggs Miracle-Egg Brand Instant Egg White Mix With Golden Egg Yolk Substitute * * * Kraft Foods, Chicago 90, Ill. Div. National Dairy Products Corp. * * * Directions."

ACCOMPANYING LABELING: Booklet entitled "A New Best Seller The Egg and You" and display sheets entitled "New Instant Egg White Mix."

LIBELED: 12–4–63, N. Dist. Ind.

CHARGE: 403(a)—when shipped, the labeling of the article bore false and misleading statements, including the name "Miracle-Egg" and the label vignette depicting scrambled eggs which represented and suggested that the article was a new kind of superior eggs, that it could be used generally as a substitute for eggs in cooking, that it was nutritionally superior to eggs and that it would furnish an unusually high amount of nutrition in a quantity which was low in calories; 403(a)—the labeling of the article bore false and misleading statements including the name which represented and suggested in the setting in which they were presented that the article was adequate to

control the cholesterol level of the blood; and for the treatment and prevention of heart and artery diseases; and 403(c)—the article was an imitation of another food, dried eggs, and its label failed to bear in type of uniform size and prominence the word "imitation" and immediately thereafter the name of the food imitated.

DISPOSITION: The article was claimed by Kraft Foods Div. of the National Dairy Products Corp., who consented to the entry on 10-12-64, of a decree of condemnation without admitting any of the allegations in the libel. The labeling and the article were both subsequently destroyed.

FEEDS AND GRAINS

29939. Medicated feed. (F.D.C. No. 50286. S. No. 55-994 A.)

QUANTITY: 22 100-lb. bags at Ainsworth, Nebr., in possession of Rogers Grain & Feed.

SHIPPED: 4-27-63, from Chicago, Ill.

LABEL IN PART: (Tag on bag) "Rogers 0.0022% Diethylstilbestrol Mix in 42% Beef Supplement Feed at the rate of one (1) pound per animal day * * * Active Drug Ingredient Diethylstilbestrol 0.0022% * * * Manufactured by Rogers Products Co. Ainsworth, Nebraska * * * for fattening steers and heifers in the feedlot"; and (bag) "Rogers Hi Five * * * Range Cake Manufactured by Rogers Products Company, Ainsworth, Nebr."

RESULTS OF INVESTIGATION: Analysis showed that the article contained approximately 31.8 percent of the declared amount of diethylstilbestrol. The article had been manufactured locally by the dealer, Rogers Grain & Feed, from a premix shipped as above.

LIBELED: 6-9-64, Dist. Nebr.

CHARGE: 402(a)(2)(C)—while held for sale, the article contained diethylstilbestrol, a food additive which was unsafe within the meaning of 409, since it and its use or intended use were not in conformity with regulations, in that the label failed to bear adequate directions to provide a daily diethylstilbestrol intake of 10 milligrams for each beef animal.

The libel alleged also that the article was adulterated under the provisions of the law applicable to drugs as reported in notices of judgment on drugs and devices, No. 7982.

DISPOSITION: 8-4-64. Default—destruction.

FISH AND SHELLFISH

29940. Frozen perch fillets. (F.D.C. No. 50580. S. Nos. 15-642/44 A.)

QUANTITY: 11,500 lbs., in 10-lb. ctns., at Gloucester, Mass.

SHIPPED: The article was prepared from fish caught by the fishing vessel "Malola" in the waters of the Atlantic Ocean, outside the territorial limits of the State of Massachusetts, and unloaded on 8-24-64.

LIBELED: 9-14-64, Dist. Mass.

CHARGE: 402(a)(3)—contained parasitic copepods when shipped.

DISPOSITION: 10-29-64. Consent—claimed by New England Fillet Co., Inc., Boston, Mass. Segregated; 1,080 lbs. destroyed.