CHARGE: 402(b)(1)—when shipped, the valuable constituent, sorghum sirup, had been in part omitted; 402(b)(2)—a saccharin or sweetening substance other than sorghum had been in part substituted for sorghum sirup; 403(a)—the name "Country Sorghum" was false and misleading as applied to a product containing approximately 40 percent sweetening substance other than sorghum sirup; and 403(b)—the article was offered for sale under the name of another food, sorghum, and was not sorghum or sorghum sirup.

DISPOSITION: 3-26-63. Default—delivered to a Federal institution.

DAIRY PRODUCTS

CHEESE

28741. Grated cheese. (F.D.C. No. 48392. S. No. 40-229 V.)

QUANTITY: 400 lbs. in reused drums at Roselle Park, N.J.

SHIPPED: 11-6-62, from Sunbury, Pa., by Sunbury Cheese Products.

LIBELED: 12-3-62, Dist. N.J.

CHARGE: 402(a)(3)—contained rodent hairs, fly fragments and parts, and other insect fragments; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 1-16-63. Default—destruction.

EGGS

28742. Frozen eggs. (F.D.C. No. 45691. S. No. 32-532 R.)

INFORMATION FILED: 11-30-61, Dist. Oreg., against Thomas R. Dicillo, t/a Oregon Egg & Poultry Co., Portland, Oreg.

SHIPPED: 4-5-60, from Oregon to New York.

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

PLEA: Not guilty.

DISPOSITION: The case went to trial before a jury on 4-10-62. The trial was concluded on 4-11-62, with a verdict of guilty. On 6-22-62, the defendant was sentenced to 6 months in prison.

28743. Frozen eggs. (F.D.C. No. 42870. S. No. 32-951 P.)

QUANTITY: 300 30-lb. cans at Brooklyn, N.Y.

SHIPPED: 2-16-59, from Jersey City, N.J., by L. Meyer & Co., Inc.

LABEL IN PART: "Whole Egg * * * L. Meyer & Co., Inc., Jersey City, N.J."

LIBELED: 3-9-59, E. Dist. N.Y.

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

DISPOSITION: L. Meyer & Co., Inc., appeared as claimant and filed an answer denying that the article was adulterated as alleged in the libel. On 1-7-60, written interrogatories were served by the Government and were subsequently answered by the claimant. Thereafter, the Government filed a motion for summary judgment. On 1-7-63, the claimant having failed to oppose the motion, the court granted the motion and entered a decree of condemnation and destruction.