19. On August 16, 1944, Cocar, Inc., acting by its president, John Coyne, directed the transfer of storage of 47 barrels of the eggs which were stored on the warehouse premises in Jersey City, N. J., to the account of Jacob J. Shevelove.

20. On or about August 31, 1944, Jacob Shevelove caused the shipment of 25 barrels of the eggs from Jersey City, N. J., to Bronx, N. Y.

21. On or about August 9, 1944, Jacob Shevelove offered to sell nine barrels of the eggs shipped from Jersey City, N. J., to Lyons, N. Y.

22. On or about August 9, 1944, Jacob Shevelove caused 9 barrels of the eggs to be shipped from Rochester, N. Y., to Brooklyn, N. Y.

23. Sometime in the month of May 1944, John Coyne, in the presence of Joseph Giordano, offered at New York, N. Y., to sell a number of barrels of the eggs.

DISPOSITION: Pleas of not guilty were entered on behalf of the defendants. For purposes of trial, the Government's attorney made a motion that the case be confined to John W. Coyne and Cocar, Inc.; the motion was granted. On or about September 17, 1947, the case came on for trial before the court and jury, and at the conclusion of the trial on October 1, 1947, the jury returned a verdict of not guilty with respect to defendants John W. Coyne and Cocar, Inc. On December 12, 1947, the conspiracy indictment was dismissed with respect to the other defendants.

13433. Adulteration of frozen whole eggs. U. S. v. 600 Cans, etc. (F. D. C. No. 25214. Sample No. 32299–K.)

LIBEL FILED: July 26, 1948, Northern District of California.

ALLEGED SHIPMENT: On or about May 12, 1948, by the Mitchell Produce Co., from Mitchell, S. Dak.

PRODUCT: 950 30-pound cans of frozen whole eggs at San Francisco, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: August 6, 1948. The Mitchell Produce Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency. In accordance with the decree, the product was examined by drilling each can. A total of 5 cans were sorted out as unfit and were subsequently denatured.

13434. Adulteration of frozen whole eggs. U. S. v. 148 Cans * * *. (F. D. C. No. 22436. Sample Nos. 67082–H, 67083–H.)

LIBEL FILED: January 24, 1947, Western District of Missouri.

ALLEGED SHIPMENT: On or about December 6, 1946, by the Franklin Ice Cream Co., Tonganoxie, Kans. (This was a returned shipment.)

PRODUCT: 148 30-pound cans of frozen whole eggs at Kansas City, Mo.

LABEL, IN PART: "Frozen Whole Eggs * * * Packed By Roberts Egg Products Co."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: March 3, 1947. The Franklin Ice Cream Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered with respect to the unfit portion. The product was ordered released under bond, conditioned that the unfit portion be segregated and destroyed under the supervision of the Food and Drug Administration. Of the 132 cans seized, 10 cans were denatured as unfit for use.

13435. Adulteration of shell eggs. U. S. v. 42 Cases * * *. (F. D. C. No. 24582. Sample No. 33314–K.)

LIBEL FILED: April 2, 1948, Northern District of California.

ALLEGED SHIPMENT: On or about March 13, 1948, by C. A. Larson, Salt Lake City, Utah.

PRODUCT: Eggs. 42 cases, each containing 30 dozen, at San Francisco, Calif.

LABEL, IN PART: "C Grade Fort Wayne Thirty Dozen Eggs Draper Producers Association, Inc., Draper, Utah."