

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a putrid and decomposed substance. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** August 27, 1951. Demosthenes Costalos of New York City, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for salvaging under the supervision of the Federal Security Agency. Salvaging operations resulted in the release of 4,867 pounds of cheese as fit for human consumption and the rejection of 2,243 pounds as unfit. The unfit portion of the cheese was denatured.

**17965. Adulteration of Cheddar cheese. U. S. v. 7,560 Pounds \* \* \***  
(F. D. C. No. 31215. Sample No. 25088-L.)

**LIBEL FILED:** June 22, 1951, District of New Jersey.

**ALLEGED SHIPMENT:** On or about April 6 and 20, 1951, from Atlanta and Augusta, Ga. (These were return shipments.)

**PRODUCT:** 7,560 pounds of Cheddar cheese at Belle Mead, N. J.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and rodent excreta, and of a decomposed substance by reason of the presence of mold.

**DISPOSITION:** September 13, 1951. Consumer-Farmer Milk Cooperative, Inc., Long Island City, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law by trimming and cutting off the unfit portion and denaturing that portion under the supervision of the Food and Drug Administration. The waste and scraps, amounting to approximately 2,500 pounds, were denatured and sold for use as hog feed.

**17966. Adulteration of Cheddar cheese. U. S. v. 50 Cases \* \* \***  
(F. D. C. No. 31468. Sample No. 6984-L.)

**LIBEL FILED:** August 13, 1951, Western District of Pennsylvania.

**ALLEGED SHIPMENT:** On or about July 19, 1951, by the Cudahy Packing Co., from Youngstown, Ohio.

**PRODUCT:** 50 cases each containing 4 Cheddar cheeses, each weighing approximately 13 pounds, at Beaver Falls, Pa.

**LABEL, IN PART:** "Illinois Cheddar Cheese Approved Plant 544."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of manure, insect fragments, and rodent hairs, and by reason of the use of filthy milk in its preparation; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** August 30, 1951. Default decree of condemnation and destruction.

**17967. Adulteration of processed cheese food. U. S. v. 126 Cartons \* \* \***  
(F. D. C. No. 31454. Sample No. 7592-L.)

**LIBEL FILED:** August 1, 1951, Western District of New York.

**ALLEGED SHIPMENT:** On or about November 1, 1950, from Chicago, Ill.

**PRODUCT:** 126 2-pound cartons of processed cheese food at Buffalo, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of mold. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** August 28, 1951. Default decree of condemnation and destruction.

## EGGS

17968. Alleged adulteration and misbranding of frozen eggs and adulteration and misbranding of liquid eggs. U. S. v. Israel C. Korol (Korol Egg Co.). Plea of not guilty. Tried to the jury. Verdict of not guilty with respect to frozen eggs and verdict of guilty as to liquid eggs. Fine of \$1,000 and sentence of 180 days in jail. Jail sentence suspended. Judgment affirmed on appeal. (F. D. C. No. 30070. Sample Nos. 3399-K, 82323-K.)

**INFORMATION FILED:** February 14, 1951, District of Columbia, against Israel C. Korol, trading as the Korol Egg Co., Washington, D. C.

**ALLEGED VIOLATION:** Within the period from on or about July 10 to 24, 1950, the defendant introduced and delivered into interstate commerce in the District of Columbia, quantities of frozen eggs and liquid eggs.

**NATURE OF CHARGE:** Frozen eggs. Adulteration, Section 402 (a) (3), the article consisted in part of decomposed eggs. Misbranding, Sections 403 (e) (1) and (2), the container of the article did not bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; and, Section 403 (i) (1), the container of the article did not bear a label bearing the common or usual name of the article.

Liquid eggs. Adulteration, Section 402 (a) (3), the article consisted in part of decomposed eggs, and it was otherwise unfit for food by reason of the presence of bloody whites and chicken embryo particles. Misbranding, Sections 403 (e) (1) and (2), the container of the article did not bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; and, Section 403 (i) (1), the container of the article did not bear a label bearing the common or usual name of the article.

**DISPOSITION:** March 21, 1951. The defendant having entered a plea of not guilty, the case came on for trial before a jury, at the conclusion of which the jury returned a verdict of not guilty with respect to the frozen eggs and a verdict of guilty with respect to the liquid eggs. A fine of \$1,000 and a sentence of 180 days in jail were imposed with respect to the violations involving the liquid eggs; however, the jail sentence was suspended. The defendant subsequently took an appeal to the Municipal Court of Appeals for the District of Columbia. On June 28, 1951, the following opinion was handed down, affirming the judgment of the lower court:

CLAGETT, *Associate Judge*: "Defendant, doing business as the Korol Egg Company, was charged with having violated certain provisions of the Federal Food, Drug, and Cosmetic Act<sup>1</sup> in that he introduced and caused to be delivered in interstate commerce misbranded cans containing adulterated eggs. A jury returned a verdict of guilty on two of the four counts of the information, and defendant was duly sentenced. He appeals.

<sup>1</sup> Tit. 21 U. S. C. A. § 301 et seq., as amended June 25, 1938.