

Issued March 27, 1913.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2067.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF TOMATOES.

On April 29, 1912, the United States Attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 200 cases each containing two dozen cans of tomatoes, remaining unsold in the original unbroken packages and in the possession of the Thompson Richie Grocer Co., Alexandria, La., alleging that the product had been shipped from the State of Maryland into the State of Louisiana, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Eagle Queen Brand Hand Packed Tomatoes, contents 18½ oz. or over. Roberts Brothers, Baltimore, Md., Distributors."

Adulteration and misbranding of the product was alleged in the libel for the reason that the tomatoes were contained in cans, on which cans were displayed pictorial representations of large ripe tomatoes, also the labels aforesaid were pictorial representations of a large ripe tomato, and labeled as hand packed, whereas, as a matter of fact and truth, the cans contained a mixture of tomatoes and water, and were misbranded in violation of section 8, paragraph 1, of the Food and Drugs Act; that by said mixture their quality and strength was reduced and adulterated, and that an analysis of said tomatoes showed the amount of water added and contained therein to be 25 per cent.

On July 16, 1912, said Roberts Bros., claimants, having consented thereto, judgment of condemnation and forfeiture was entered, and it was further ordered that the product should be released and delivered to said claimants upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500 in conformity with section 10 of the Act.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *December 5, 1912.*

