

the jury and directing a new trial upon the grounds that the verdict was contrary to the law and to the evidence and unsupported thereby; also upon the exceptions taken to the admission and rejection of evidence during the trial and the rulings made thereon and on the exceptions to the charge as recorded, which motion was denied by the court and to which ruling said claimant company excepted.

On March 31, 1914, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal and that the libelant should have judgment for the costs of the proceedings, taxed at \$136.70.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *September 24, 1914.*

3441. Adulteration of raisins. U. S. v. 70 Cases of Raisins. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5350. I. S. Nos. 3568-h, 3569-h, 3574-h, 3575-h. S. No. 1958.)

On October 14, 1913, the United States attorney for the Eastern District of Pennsylvania, 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 70 cases of raisins, 58 of which each contained 36 cartons and 12 of which each contained 45 cartons, remaining unsold in the original unbroken packages at Philadelphia, Pa., alleging that the product had been shipped on or about September 24, 1913, and transported from the State of West Virginia into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. Fifty-eight of the cases were labeled: "36—Choice Cartons—California Seeded Raisins—Good eating brand—Consumers Fruit Co., Fresno, Cal." The cartons therein were labeled: "Good eating California seeded raisins—Packed for Consumers Fruit Co., California—Seeded by machinery—California seeded raisins—Absolutely clean." Twelve of the cases were labeled: "45 Choice Cartons—California Seeded Raisins—Packed at Fresno, California—Consumers Fruit Packing Co., California." (The cartons therein were labeled): "Seeded Raisins—Packed for Consumers Fruit Company, California—Three Roller Process Seeded Raisins—Guaranteed under Serial No. 7791—the Food and Drugs Act, June 30, 1906."

Adulteration was alleged in the libel for the reason that said article of food, to wit, raisins, consisted in whole or in part of a filthy and decomposed animal substance. Adulteration was alleged for the further reason that said article of food, to wit, raisins, consisted in whole or in part of a filthy and decomposed vegetable substance.

On May 1, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *September 24, 1914.*

3442. Adulteration of canned tomatoes. U. S. v. 500 Cases of Canned Tomatoes. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 5358. I. S. No. 5437-h. S. No. 1962.)

On October 21, 1913, the United States attorney for the Eastern District of Missouri, 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 500 cases, each containing two dozen cans of tomatoes, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the

product had been transported in interstate commerce from the State of Maryland into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act. The cases were labeled: "Abbsco Brand Tomatoes Weights on Labels 2 Dozen Cans Size No. 3 Packed by Jas. Wallace Pkg. Co., Cambridge, Md." The cans were labeled: "Abbsco Brand Tomatoes (design tomato) Packed by Jas. Wallace Packing Co. at Cambridge, Dorchester Co., Md. Guaranteed by the packers under the Food and Drugs Act, June 30, 1906. Contents Weigh Not Less Than 2 Pounds (Design Indian.)"

It was alleged in the libel that the product was adulterated and liable to seizure, condemnation, and confiscation, as provided in the Food and Drugs Act, for the reason that a visual examination made of sample cans taken from 24 of said cases revealed and disclosed that 22 of said cans contained pieces of rotten tomatoes, and 20 of said cans contained pieces of mold and many green and defective tomatoes, and said product appeared to have been made and prepared from partly moldy and rotten tomatoes, without trimming or removing said rotten parts, and that said product consisted in whole or in large part of filthy, decomposed, and [or] putrid vegetable substances as above described, and that said product was of a deleterious character and unfit for use as food.

On May 6, 1914, the James Wallace Packing Co., claimant, having admitted the allegations of the libel and consented to a decree, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *September 24, 1914.*

NOTE.—When this case was reported for action it was not claimed by this department that the product was of a deleterious character.

3443. Adulteration of tomatoes. U. S. v. 496 Cases of Canned Tomatoes. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 5360. I. S. No. 5441-h. S. No. 1964.)

On October 20, 1913, the United States attorney for the Eastern District of Missouri, 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 496 cases, each containing two dozen cans of tomatoes, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the product had been transported in interstate commerce from the State of Maryland into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act. The cases were labeled: "Abbsco Brand Tomatoes Weights on Labels 2 Dozen Cans Size No. 3 Packed by Jas. Wallace Pkg. Co., Cambridge, Md." The cans were labeled: "Abbsco Brand Tomatoes (design tomato) Packed by Jas. Wallace Packing Co. at Cambridge, Dorchester Co., Md. Guaranteed by the packers under the Food and Drugs Act, June 30, 1906. Contents Weigh Not Less Than 2 Pounds (design Indian.)"

It was alleged in the libel that the product was adulterated and liable to seizure, condemnation, and confiscation as provided in said act, for the reason that a visual examination of sample cans, taken from 24 of said cases, revealed and disclosed that 22 of said cans contained pieces of rotten tomatoes and several large pieces of badly rotted tomatoes, and several cans contained a product of very bad flavor and unfit for food, and said product appeared to have been made and prepared in part from rotten tomatoes, and that said product consisted in whole or in large part of filthy, decomposed, and [or] putrid vegetable substances, and that said product was of a deleterious character and unfit for use as food within the meaning of said act of Congress.