

4612. Adulteration of tomatoes. U. S. * * * v. 220 Cases and 35 Cases of Canned Tomatoes. Consent decree of condemnation and forfeiture. Portion of the product released on bond; balance destroyed.
(F. & D. No. 6943. I. S. Nos. 3054-1, 3055-1, 3065-1. S. Nos. E-424, E-425.)

On October 22, 1915, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 35 cases and 220 cases of canned tomatoes, remaining unsold in the original unbroken packages at Canton, N. J., alleging that the 35 cases had been shipped on or about September 15, 1915, and the 220 cases on or about October 9, 1915, and transported from the State of New York into the State of New Jersey, and charging adulteration in violation of the Food and Drugs Act. Some of the 35 shipping cases were labeled: "Tomato swells." The cans in these cases were labeled: "Ormond Castle Brand Tomatoes. Contents 2 lbs. 1 oz. Standard Quality. Packed for James Butler, Inc. New York." Some of the 220 shipping cases were labeled: "Swells." The cans in these cases were labeled: "Trump Brand. Contents 2 lbs. 1 oz. Tomatoes. R. C. Williams and Co. Distributors, New York."

Adulteration of the article was alleged in the libels for the reason that it consisted, in whole or in part, of a filthy, decomposed, and putrid vegetable substance.

On November 19, 1915, Frank H. G. Schimp and Benjamin E. Harris, doing business under the firm name of Schimp & Harris, Canton, N. J., claimants, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimants upon payment of the costs of the proceedings and the execution of bond in the sum of \$500, in conformity with section 10 of the act, conditioned, in part, that the tomatoes should be sorted and the portion unfit for human food destroyed, and the portion fit for human food examined by a representative of the Bureau of Chemistry and passed upon before the same should be permitted to go forward into commerce.

C. F. MARVIN, *Acting Secretary of Agriculture.*