

5716. Adulteration of tomatoes. U. S. * * * v. 900 Cases Canned Tomatoes. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 7922. I. S. No. 2534-m. S. No. E-772.)

On December 15, 1916, the United States attorney for the Eastern District of New York, 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 900 cases of canned tomatoes, remaining unsold in the original unbroken packages at Brooklyn, N. Y., alleging that the article had been shipped on or about November 13, 1916, by William F. Applegarth, Wingates Point, Md., and transported from the State of Maryland into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Four-G Brand Tomatoes."

Adulteration of the article was alleged in substance in the libel for the reason that a certain substance, to wit, added water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for tomatoes.

On December 28, 1916, the said William F. Applegarth, claimant, having admitted the truth of 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 released to said claimant upon the payment of the costs of the proceedings and execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that the product should not be reshipped or sold or otherwise disposed of without a label which had been approved by this department.

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