

6033. Adulteration of tomatoes. U. S. * * * v. 1,800 Cases * * * of Tomatoes. Product ordered released on bond. (F. & D. No. 8540. I. S. Nos. 2550-p, 2551-p. S. No. E-906.)

On October 29, 1917, the United States attorney for the Eastern District of South Carolina, 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 1,800 cases, each containing 24 cans of tomatoes, consigned on or about October 11, 1917, by the Claybrook-Neale Packing Co., Bowler's Wharf, Va., remaining unsold in the original unbroken packages at Charleston, S. C., alleging that the article had been shipped and transported from the State of Virginia into the State of South Carolina, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Aunt Jane Brand Tomatoes. Packed by The Claybrook-Neale Packing Company, Bowler's Wharf, Essex Co., Va."

Adulteration of the article was alleged in substance in the libel for the reason that 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 November 16, 1917, F. W. Wagener & Co., Charleston, S. C., claimants, filed an answer and claim for the product, and on November 22, 1917, it was ordered by the court that the product should be delivered to said claimants upon the 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, conditioned in part that the article should not be sold or otherwise disposed of without having been branded with a label reading: "This can contains ten per cent of water."

CARL VROOMAN, Acting Secretary of Agriculture.