

On September 8, 1919, the Chambers Drug Co., a corporation, claimant, having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$300, in conformity with section 10 of the act, conditioned in part that the product be relabeled under the supervision of this department.

E. D. BALL, *Acting Secretary of Agriculture.*

7805. Adulteration and misbranding of canned tomatoes. U. S. * * * v. 984 Cases * * * Rose Hill Brand Tomatoes. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 11658. I. S. No. 13989-r. S. No. B-1881.)

On December 16, 1919, the United States attorney for the Southern 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 984 cases, each case containing 24 cans of a product, labeled Rose Hill Brand Tomatoes, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped on or about October 24, 1919, by Chas. Webster, Sharps town, Md., and transported from the State of Maryland into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Rose Hill Brand Tomatoes * * * Contents 1 lb. 3 oz. Packed By Chas. Webster at East New Market, Dorchester, Co., Md."

Adulteration of the article was alleged in the libel in that water had been mixed and packed with the article so as to reduce, lower, and injuriously affect its quality or strength, and water had been substituted in whole or in part for the article.

Misbranding of the article was alleged in that the statement contained in the label on the can containing the article, to wit, "Rose Hill Brand Tomatoes," was false and misleading and deceived and misled the purchaser into the belief that the product was canned tomatoes, whereas it was a product containing added water. It was further misbranded in that it was an imitation of, and was offered for sale under the distinctive name of, another article.

On January 30, 1920, Chas. Webster, claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of the costs of the proceedings and execution of a bond, in conformity with section 10 of the act.

E. D. BALL, *Acting Secretary of Agriculture.*

7806. Adulteration and misbranding of canned tomatoes. U. S. * * * v. 497 Cases of Canned Tomatoes. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 11897. I. S. No. 9095-r. S. No. C-1692.)

On January 27, 1920, 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 497 cases of canned tomatoes, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped on December 3, 1919, by the Chino Canning Co., Chino, Calif., and transported from the State of California into the State of Missouri, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Standard C-C-C Three C Brand Tomatoes, with pure tomato