

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

juice packed by Chino Canning Company, Chino, California. Net Contents, 1 lb. 12 oz. \* \* \*."

Adulteration of the article was alleged in the libel in that tomato pulp had been mixed and packed with the article so as to reduce, lower, and injuriously affect its quality and strength.

Misbranding of the article was alleged in that statements on the label on the can containing the article regarding the article, to wit, "Standard C-C-C Three C Brand Tomatoes with pure tomato juice packed by Chino Canning Company, Chino, California. Net Contents, 1 lb. 12 oz. \* \* \*," were false and misleading, and deceived and misled the purchaser into the belief that the product consisted wholly of tomatoes, whereas it contained added tomato pulp. The product was further misbranded in that it was an imitation of, and sold under the distinctive name of, another article.

On March 10, 1920, the Chino Canning Co., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to the claimant upon payment of the costs of the proceedings and the execution of a bond, in conformity with section 10 of the act.

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

**7807. Adulteration and misbranding of canned tomatoes. U. S. \* \* \* v. 1,798 Cases of Blue Dot Brand Tomatoes. Consent decree of condemnation and forfeiture. Product ordered released on bond.** (F. & D. No. 11832 I S No. 15943-r. S. No. E-1878.)

On December 22, 1919, 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 1,798 cases of Blue Dot Brand Tomatoes, remaining unsold at Philadelphia, Pa., consigned by Winfield Webster & Co., Rhodesdale, Md., alleging that the article had been shipped on or about September 4, 1919, and transported from the State of Maryland into the State of Pennsylvania, and charging adulteration and misbranding, in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel in that tomato pulp had been mixed and packed with, and substituted wholly or in part for, the article, to wit, tomatoes.

Misbranding of the article was alleged in that the statement on the label on the can containing the article, regarding the article, to wit, "Blue Dot Brand Tomatoes," was false and misleading.

On February 25, 1920, Winfield Webster & Co., 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 said claimant upon the payment of the costs of the proceedings and the execution of a bond, in conformity with section 10 of the act.

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

**7808. Adulteration of evaporated apples. U. S. \* \* \* v. 100 Boxes of Evaporated Apples. Default decree of condemnation, forfeiture, and sale.** (F. & D. Nos. 11876, 11876-a. I. S. No. 5286-r. S. No. W-564.)

On January 9, 1920, the United States attorney for the District of Wyoming, 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 100 boxes of evaporated apples, remaining unsold in the original unbroken