packages at Cheyenne, Wyo., consigned by the California Packing Corp., Fresno, Calif., alleging that the article had been shipped on or about December 3, 1919, and transported from the State of California into the State of Wyoming, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel in that a substance, to wit, water, had been mixed and packed with the article so as to reduce and lower and injuriously affect the quality and strength of the article. Adulteration of the article was further alleged in that water had been substituted in part for evaporated apples, and that the product contained 27 per cent moisture.

On April 15, 1920, no claimant having appeared, judgment of condemnation, forfeiture, and sale was entered, and it was ordered by the court that the property be sold by the United States marshal to the highest bidder, and further conditioned that the property be sold by the purchaser in conformity with section 10 of the act.

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

7809. Adulteration and misbranding of canned tomatoes. U. S. * * * v. 65 Cases of Anderson Brand Tomatoes, U. S. * * * v. 400 Cases of Anderson Brand Tomatoes. Consent decrees of condemnation and forfeiture. Goods released on bond. (F. & D. Nos 11814, 11815, 11816, 11817, 11818. I. S. Nos. 14016-r, 14017-r. S. Nos. E-1879, E-1880.)

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 libels for the seizure and condemnation of 65 cases and 400 cases of Anderson Brand Tomatoes, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped on or about September 12, 1919, and on or about September 8, 1919, by the Manteca Canning Co., Manteca, Calif., and transported from the State of California 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, "Anderson Brand Tomatoes Standard Quality * * * Anderson Quality Tomatoes Distributed by Chas. A. Anderson & Co. New York San Francisco Net Contents 1 lb. 12 oz." (pictorial design of ripe tomato).

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

Misbranding of the article was alleged in that the statements and design, on the label on the can containing the article, as set forth above, were false and misleading and deceived and misled the purchaser into the belief that the article consisted wholly of canned tomatoes, whereas it was a product to which tomato pulp had been added. Further misbranding was alleged in that it was an imitation of, and offered for sale under the distinctive name of, another article.

On January 27, 1920, Chas. A. Anderson & Co., claimant, having consented to decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be delivered to the 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.*