

On January 16, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

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

8415. Adulteration and misbranding of canned tomatoes. U. S. * * * v. 1,000 Cases, More or Less, of Canned Tomatoes. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 11896. I. S. Nos. 8760-r, 8761-r. S. No. C-1694.)

On February 2, 1920, the United States attorney for the District of Kansas, 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 1,000 cases of canned tomatoes, at Wichita, Kans., alleging that the article had been shipped on or about January 8, 1920, by the Chino Canning Co., Chino, Calif., and transported from the State of California into the State of Kansas, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "La Norma Brand Standard Tomatoes" and "McCann's Standard Tomatoes."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that approximately $\frac{1}{3}$ of its contents consisted of added tomato pulp.

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

Misbranding of the article was alleged in that the brands, labeling, and design of ripe tomatoes, appearing on the label on the cans, were false and misleading and calculated to deceive and mislead the purchaser into the belief that the product contained in the cans was pure tomato, whereas, in truth and in fact, it was not.

On April 7, 1920, the Winfield Wholesale Grocery Co., 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 the claimant upon the payment of the costs of the proceedings and the filing of a bond, in conformity with section 10 of the act.

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

8416. Adulteration and misbranding of tuna fish. U. S. * * * v. 48 Cases of Canned Tuna Fish. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. Nos. 12135, 12136. I. S. Nos. 41-r, 42-r. S. No. E-1943.)

On February 6, 1920, the United States attorney for the District of New Jersey, 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 48 cases of canned tuna fish, 23 of which were at Hoboken, N. J., and 25 of which were at Jersey City, N. J., alleging that the article had been shipped on or about October 27, 1919, by the Curtis Corporation, Long Beach, Calif., and transported from the State of California into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Curtis Quality Tuna Supreme Olive Oil * * * Pure Olive Oil * * *."

Adulteration of the article was alleged in the libel for the reason that oil other than olive oil had been mixed and packed with, and substituted wholly or in part for, the article.

Misbranding was alleged for the reason that the package or label of the article bore statements regarding it and the ingredients and substances contained therein which were false and misleading and deceived and misled the purchaser, to wit, "Curtis Quality * * * Pure Olive Oil * * *." Misbranding was alleged for the further reason that it was an imitation of, and was offered for sale under the distinctive name of, another article.

On May 14, 1920, the said Curtis Corporation, 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 payment of the costs of the proceeding and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the claimant should relabel the goods under the supervision of this department.

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

S417. Misbranding of orange marmalade. U. S. * * * v. 8 Cases of Orange Marmalade. Product ordered released on bond. (F. & D. No. 12981. I. S. No. 16723-r. S. No. E-2402.)

On June 28, 1920, the United States attorney for the District of Maryland, 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 8 cases of orange marmalade, consigned on or about February 21, 1919, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the California Packing Co., San Francisco Calif., and transported from the State of California into the State of Maryland, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Orange Marmalade * * * Del Monte Brand Extra Quality * * * Net Weight 15 Ounces."

Misbranding was alleged in the libel for the reason that the package or label of the article bore the statement, "Net Weight 15 Ounces," which was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity marked was not correct.

On July 20, 1920, said California Packing Co., having filed its answer admitting the allegations of misbranding contained in the libel, it was ordered by the court that the United States marshal deliver the product to said claimant company upon payment of all 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 product be properly labeled under supervision of this department.

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

S418. Misbranding of blackberry preserves. U. S. * * * v. 128 Cases of Blackberry Preserves. Product ordered released on bond. (F. & D. No. 12982. I. S. No. 16724-r. S. No. E-2403.)

On June 28, 1920, the United States attorney for the District of Maryland, 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 128 cases of blackberry preserves, consigned on or about February 21, 1919, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the California Packing Co., San Francisco, Calif., and transported from the State of California into the State of Maryland, and charging misbranding in violation of the Food and Drugs Act, as amended.