

5774. Adulteration and misbranding of tomatoes. U. S. * * * v. 400 Cases * * * of a Product Purporting to be Canned Tomatoes. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 12578 I. S. No. 653-r. S. No. E-2064.)

On April 9, 1920, 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 400 cases, each containing 24 cans of a product purporting to be canned tomatoes, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the California Canneries Co., from Campbell, Calif., December 17, 1919, 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, "Bear Brand California Tomatoes Packed in their own juice Packed at California Canneries Company, San Francisco, California * * *."

Adulteration of the article was alleged in the libel for the reason that un-concentrated tomato pulp had been mixed and packed with, and substituted in part for, tomatoes.

Misbranding was alleged for the reason that the package and label of the article bore a statement, design, and device, regarding said article and the ingredients and substances contained therein, to wit, "California Tomatoes packed in their own juice," and a design of a whole ripe tomato, which were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, canned tomatoes.

On December 8, 1920, the California Canneries Inc., claimant, San Francisco, Calif., having filed a stipulation admitting the truth of the allegations of the libel and consenting to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product might be released to said claimant upon payment of the costs of the proceedings 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 at its own expense cause the goods to be relabeled under the supervision of this department.

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

5775. Adulteration and misbranding of vinegar. U. S. * * * v. 4 Barrels, 4 Barrels, 6 Barrels, and 5 Barrels of a Product Labeled in Part, "Pure Cider Vinegar." Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 13130, 13131, 13132, 13133. I. S. Nos. 13096-r, 13097-r. S. Nos. E-2435, E-2440, E-2441.)

On August 11, 1920, the United States attorney for the District of Maine, 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 4 barrels, 4 barrels, 6 barrels, and 5 barrels of a product labeled in part, "Pure Cider Vinegar Made from Apples by F. E. Jewett & Company, Lowell, Mass.," consigned by F. E. Jewett & Co., Lowell, Mass., remaining unsold in the original unbroken packages at Sanford and South Berwick, Me., alleging that the article had been shipped on or about June 1 and May 17, 1920, and transported from the State of Massachusetts into the State of Maine, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libels for the reason that distilled vinegar had been mixed and packed with, and substituted wholly or in part for, apple cider vinegar.