

**5773. Adulteration of tomatoes. U. S. \* \* \* v. 545 Cases of Canned Tomatoes. Decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 8176. I. S. No. 3738-m. S. No. E-824.)**

On March 12, 1917, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information praying the seizure and condemnation of 545 cases of canned tomatoes, consigned on or about January 11, 1917, remaining unsold in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by J. Langrall & Brother, Inc., Baltimore, Md., and transported from the State of Maryland into the State of Massachusetts, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Maryland Chief Tomatoes \* \* \* Packed by J. Langrall & Bro. Incorporated, Baltimore, Md."

Adulteration of the article was alleged in the libel of information for the reason that a certain substance, to wit, added water, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for tomatoes.

On July 3, 1917, Aaron Smith, Boston, Mass., having filed a claim for the release of the product, so much of the judgment of condemnation and forfeiture theretofore entered as authorized the sale of the product was revoked, and it was ordered by the court that the product should be delivered to said claimant upon the payment of the costs of the proceedings and the execution of a good and sufficient bond, in conformity with section 10 of the act.

*CARL VROOMAN, Acting Secretary of Agriculture.*