

4510. Adulteration and misbranding of tomatoes. U. S. v. 100 Cases of Strained Tomatoes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6655. I. S. No. 3666-k. S. No. E-327.)

On June 28, 1915, the United States attorney for the Southern District of Georgia, 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 cases, each containing four dozen cans, of strained tomatoes, remaining unsold in the original unbroken packages at Augusta, Ga., alleging that the article had been shipped, on or about June 11, 1915, and transported from the State of Maryland into the State of Georgia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The shipping cases were labeled, in part: "4 doz. No. 1 Alpine Heights Brand Strained Tomatoes. Packed by D. L. Harrison, Woodwardville, Md." Each of the cans was labeled: "Alpine Heights Brand (design) Strained Tomatoes For Soup Content 11 Oz. Packed by D. L. Harrison, Woodwardville, Md."

The allegations in the libel were to the effect that the article was adulterated in that it consisted, in whole or in part, of a decomposed vegetable product, and that it was misbranded for the reason that instead of 11 ounces, as labeled, the cans contained an average shortage of 0.85 of an ounce per can.

On November 23, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*