

by the court that the product be delivered to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$100, in conformity with section 10 of the act.

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

8545. Adulteration and misbranding of canned tomatoes. U. S. * * * v. 1,629 Cases of Canned Tomatoes. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 11879. I. S. No. 14120-r. S. No. E-1921.)

On January 14, 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 1,629 cases, each containing 24 cans of tomatoes, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Manteca Canning Co., Manteca, Calif., September 10, 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.

Adulteration of the article was alleged in the libel for the reason that tomato pulp 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.

Misbranding was alleged for the reason that the statement and design appearing on the label, to wit, "Anderson Brand Tomatoes * * * Anderson Quality Tomatoes," and the cut of a ripe, red tomato were false and misleading and deceived and misled the purchaser into the belief that the article consisted wholly of tomatoes, whereas it contained added tomato pulp. 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, tomatoes.

On July 21, 1920, Charles A. Anderson & Co., New York, N. Y., claimant, having admitted the allegations of the libel and 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 proceedings and the execution of a bond in the sum of \$4,000, in conformity with section 10 of the act, conditioned in part that the product be relabeled by attaching to each panel of the label on each can below the word "Tomatoes" a paster or sticker containing the words "With Purée From Trimmings."

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

8546. Misbranding of Avicol. U. S. * * * v. 8 Dozen Packages of Avicol. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 12275. I. S. No. 7346-r. S. No. C-1795.)

On March 4, 1920, the United States attorney for the Western District of Tennessee, 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 dozen packages of Avicol, at Memphis, Tenn., alleging that the article had been shipped by the Burrell-Dugger Co., Indianapolis, Ind., on or about June 24, and October 24, 1919, and transported from the State of Indiana into the State of Tennessee, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Carton) "For the Cure & Prevention of all Infectious Diseases of Chickens, Pigeons & Turkeys White Diarrhoea, Cholera, Roup, Colds, Canker, Limberneck, Going Light, Black-Head, Etc. * * * For prevention of all diseases of poultry * * *;" (circular) "* * * to make poultry healthy and keep them healthy * * *"

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of tablets composed essentially of potassium bichromate, casein, sugar, starch, and talc.