

**5337. Adulteration of tomatoes. U. S. \* \* \* v. 100 Cases of Tomatoes. Default decree of condemnation and forfeiture. Product ordered sold or destroyed. (F. & D. No. 7812. I. S. No. 1717-m. S. No. E-724.)**

On October 30, 1916, the United States attorney for the District of Connecticut, 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 2 dozen cans of tomatoes, remaining unsold in the original unbroken packages at Waterbury, Conn., alleging that the article had been shipped on or about August 10, 1916, by the Webster-Butterfield Co. (Inc.), Baltimore, Md., and transported from the State of Maryland into the State of Connecticut, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Southern Queen Brand Tomatoes Packed by Webster-Butterfield Co. Incorporated, Baltimore, Md. U. S. A. \* \* \*."

Adulteration of the article was alleged in the libel for the reason that it was mixed and packed with added water, which had been substituted in part for said article so as to reduce and lower and injuriously affect its quality and strength.

On January 5, 1917, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the article should be sold by the United States marshal, or if not sold, destroyed.

R. A. PEARSON, *Acting Secretary of Agriculture.*