

5412. Adulteration of canned tomatoes. U. S. * * * v. 621 Cases of Canned Tomatoes. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. Nos. 7950, 7951. I. S. No. 2836-m. S. No. E-785.)

On January 4, 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 for the seizure and condemnation of 621 cases of canned tomatoes, consigned on or about October 18, 1916, remaining unsold in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by Roberts Bros., from Cambridge, 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: "Big Brand Tomatoes * * * ."

Adulteration of the article was alleged in the libel of information for the reason that a 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 said article.

On January 23, 1917, Roberts Bros., Baltimore, Md., claimants, having 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 claimants upon the payment of the costs of the proceedings, a good and sufficient bond having been filed by said claimants, in conformity with section 10 of the act.

CARL VROOMAN, *Acting Secretary of Agriculture.*