

5574. Adulteration and misbranding of tomatoes. U. S. * * * v. 350 Cases of Canned Tomatoes. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 8052. I. S. No. 1988-m. S. No. E-802.)

On February 2, 1917, 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 350 cases of canned tomatoes, remaining unsold in the original unbroken packages at Macon, Ga., alleging that the article had been shipped on or about August 11, 1916, by the Hartlove Packing Co., Baltimore, Md., 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 article was labeled in part, "Hartlove Brand Tomatoes * * *."

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

Misbranding was alleged for the reason that the labeling and branding of the article were false and misleading and the cans were labeled and branded so as to deceive and mislead the purchasers, the contents of the cans not being pure canned tomatoes, as the label was calculated to and did in fact induce a purchaser to believe, but, in truth and in fact, each can contained from 15 to 20 per cent, or other large proportion, of added water and did not contain what was represented by the labels.

On May 18, 1917, the A. B. Small Co., Macon, Ga., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, 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, conditioned in part that the article should be relabeled to show its true contents.

C. F. MARVIN, *Acting Secretary of Agriculture.*

5575. Misbranding of cottonseed meal. U. S. * * * v. John R. Lanier, Edwin B. Lanier, and Brown H. Lanier (Lanier Bros.). Pleas of guilty. Fine, \$50 and costs. (F. & D. No. 8064. I. S. No. 9165-1.)

On April 28, 1917, 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 an information against John R. Lanier, Edwin B. Lanier, and Brown H. Lanier, trading as Lanier Bros., Nashville, Tenn., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about September 28, 1915, from the State of Tennessee into the State of New Hampshire, of a quantity of an article labeled in part, "Jersey Brand Cottonseed Meal," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Crude fiber (per cent).....	13.22
Protein (N x 6.25) (per cent).....	37.19

Lower in protein and higher in crude fiber than stated on the label.

Misbranding of the article was alleged in the information for the reason that the following statements regarding the article and the ingredients and substances contained therein, appearing on the label, to wit, "Protein 38.62% * * * Crude Fiber (maximum 10%)," were false and misleading in that they represented to purchasers that said article contained not less than 38.62 per cent protein and not more than 10 per cent of fiber; and for the further reason that it was labeled as aforesaid so as to deceive and mislead purchasers into the belief that it contained not less than 38.62 per cent protein and not more than 10 per cent fiber, when, in truth and in fact, it contained less than 38.62 per cent protein and more than 10 per cent fiber; and for the further reason that said article consisted of food in package form, and the quantity of the contents was not plainly or conspicuously marked on the outside of the package in terms of weight, measure, or numerical count.

On June 11, 1917, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$50 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*