

**5718. Adulteration of tomatoes. U. S. \* \* \* v. 300 Cases of Canned Tomatoes. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 7924. I. S. No. 2823-m. S. No. E-773.)**

On December 18, 1916, 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 praying the seizure and condemnation of 300 cases of canned tomatoes, consigned on or about October 20, 1916, and November 1, 1916, remaining unsold in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by W. E. Robinson & Co., Waterview, Va., and transported from the State of Virginia into the State of Massachusetts, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Powell Brand Tomatoes. \* \* \* Packed by J. O. Powell, Waterview, Va."

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 tomatoes.

On March 2, 1917, the case having come on to be heard on the libel of information and the answer of James O. Powell, Water View, Va., claimant, 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 bond, in conformity with section 10 of the act.

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