

6067. Adulteration of tomatoes. U. S. * * * v. 1,196 Cases * * * of Tomatoes. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 8645. I. S. Nos. 3405-p, 3406-p. S. No. E-944.)

On December 11, 1917, the United States attorney for the Eastern District of Pennsylvania, 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 1,196 cases of tomatoes, consigned by John T. Handy Co., Crisfield, Md., remaining unsold in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped on or about October 26, 1917, from the State of Maryland into the State of Virginia, and reconsigned from Virginia into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Riverside Brand Tomatoes. * * * Packed by John T. Handy Co., Crisfield, Md."

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.

On January 23, 1918, the said John T. Handy Co., claimant, having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon payment of the costs of the proceedings and the execution of bond in the sum of \$1,500, in conformity with section 10 of the act, conditioned in part that the article should be relabeled under the supervision of a representative of this department.

CARL VROOMAN, *Acting Secretary of Agriculture.*