

On May 26, 1920, the Monarch Mills (Inc.), Memphis, Tenn., claimant, having admitted the allegations of the libel, but having disclaimed responsibility for the misbranding, judgment of condemnation was entered, and it was ordered by the court that the product be released to said claimant upon the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that if the article were sold or disposed of under any form of branding, said branding should accurately and correctly describe said product.

E. D. BALL, *Acting Secretary of Agriculture.*

8635. Adulteration and misbranding of canned tomatoes. U. S. * * * v. 280 Cases of Blue Dot Brand Tomatoes. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 11881. I. S. No. 9477-r. S. No. C-1681.)

On January 13, 1920, the United States attorney for the Eastern District of Louisiana, 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 280 cases, each containing 48 cans, of tomatoes, remaining unsold in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by Winfield Webster & Co., Vienna, Md., on or about September 16, 1919, and transported from the State of Maryland into the State of Louisiana, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Blue Dot Brand Tomatoes Packed by Winfield Webster & Co., Main Office: Vienna, Md. Factories: Vienna, Md. Rhodesdale, Md."

Adulteration of the article was alleged in the libel for the reason that tomato pulp diluted with from 5 to 10 per cent 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 wholly or in part for the article.

It was alleged in substance in the libel that the article was labeled as aforesaid in violation of section 8 of the Food and Drugs Act, general paragraph, and paragraphs 1 and 2 under "Food," in that the foregoing labeling was false and misleading and deceived and misled the purchaser, and for the further reason that the article was an imitation of, and was sold under the distinctive name of, another article.

On June 3, 1920, Winfield Webster & Co., Vienna, Md., claimant, having entered an appearance and filed its answer to the libel, and the pleadings having been considered by the court, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$870.80, in conformity with section 10 of the act.

E. D. BALL, *Acting Secretary of Agriculture.*

8636. Misbranding of cottonseed meal. U. S. * * * v. Roberts Cotton Oil Co. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 12005. I. S. No. 6692-r.)

On April 21, 1920, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Roberts Cotton Oil Co., Jonesboro, Ark., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about January 18, 1919, from the State of Arkansas into the State of Missouri, of a quantity of an article, invoiced as cottonseed meal, which was misbranded.

Examination of the shipment by the Bureau of Chemistry of this department showed that the sacks were unlabeled.