

9285. Adulteration and misbranding of canned tomatoes. U. S. * * * v. Charles Webster. Plea of nolo contendere. Fine, \$60 and costs. (F. & D. No. 13884. I. S. Nos. 15904-r, 15125-r, 13989-r, 13185-r.)

On March 18, 1921, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Charles Webster, trading at East New Market and Sharptown, Md., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about October 13, 24, and 5, and September 29, 1919, respectively, from the State of Maryland into the States of Massachusetts, New York, and Pennsylvania, of quantities of canned tomatoes which were adulterated and misbranded. The article was labeled in part: "Rose Hill Brand" (design of red tomato) "Tomatoes * * * Packed By Chas. Webster At East New Market, Dorchester Co., Md."

Examination by the Bureau of Chemistry of this department of a sample taken from each of the four consignments showed that the product contained added water.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in part for tomatoes, which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Tomatoes," together with the design and device of a red tomato, borne on the labels attached to the cans containing the article, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that said article consisted wholly of tomatoes, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of tomatoes, whereas, in truth and in fact, it did not consist wholly of tomatoes, but did consist in part of added water.

On March 18, 1921, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$60 and costs.

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

9286. Adulteration of oysters. U. S. * * * v. Arthur T. Cheek. Collateral of \$25 forfeited. (F. & D. No. 13036. I. S. No. 17396-r.)

On March 7, 1921, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of the District aforesaid an information against Arthur T. Cheek, Washington, D. C., alleging that on February 6, 1920, the said defendant did offer for sale and sell at the District aforesaid, in violation of the Food and Drugs Act, a quantity of oysters which were adulterated.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained added water.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality, and had been substituted in part for oysters, which the article purported to be, and for the further reason that a valuable constituent of said article, to wit, oyster solids, had been wholly or in part abstracted.

On March 7, 1921, the defendant having failed to enter an appearance, the \$25 collateral which had been deposited by him to insure his appearance was ordered forfeited by the court.

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