

**9479. Adulteration and misbranding of tomatoes. U. S. \* \* \* v. 599 Cases of Tomatoes. Judgment by consent ordering release of product under bond.** (F. & D. No. 13860. I. S. No. 6456-t. S. No. E-2868.)

On November 17, 1920, the United States attorney for the Eastern District of New York, 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 599 cases, each containing a number of cans, of tomatoes, remaining unsold in the original unbroken packages at Brooklyn, N. Y., alleging that the article had been shipped by J. G. Grimmel & Son, Rocks, Md., and transported from the State of Maryland into the State of New York, and was received at Brooklyn, N. Y., on or about October 22, 1920, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that water had been mixed and packed with, and substituted wholly or in part for, tomatoes, which the said article purported to be.

Misbranding was alleged in substance for the reason that the labels on the cans bore the statement regarding the said article and the ingredients or substances contained therein, to wit, "Grimmel's Hand-Packed Tomatoes," together with the cut or design showing a ripe red tomato, which were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another and different article.

On January 12, 1921, J. G. Grimmel & Son, Rocks, Md., claimant, having consented to a decree, judgment 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 \$800, in conformity with section 10 of the act, conditioned in part that the product be relabeled, under the supervision of this department, by attaching to the cans a sticker or stickers showing the presence of added water. On January 12, 1921, the claimant having failed to comply with the terms of the decree, the goods were destroyed.

C. W. PUGSLEY,

*Acting Secretary of Agriculture.*

**9480. Adulteration of shell eggs. U. S. \* \* \* v. 10 Cases of Eggs \* \* \*. Default decree of condemnation, forfeiture, and sale.** (F. & D. No. 13995. I. S. No. 3555-t. S. No. C-2549.)

On September 28, 1920, the United States attorney for the District of Minnesota filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 cases of eggs, consigned by William Pitts, Bowdells, N. Dak., remaining in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped from Bowdells, N. Dak., on or about September 14, 1920, and transported from the State of North Dakota into the State of Minnesota, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a decomposed animal substance.

On October 11, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the United States marshal recandle the eggs, sell the edible eggs, and destroy the remainder.

C. W. PUGSLEY,

*Acting Secretary of Agriculture.*