

15500. Adulteration of canned tomatoes. U. S. v. 1,378 Cases of Canned Tomatoes. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22276. I. S. No. 12056-x. S. No. 323.)

On or about December 9, 1927, the United States attorney for the Southern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1,378 cases of canned tomatoes, at Mobile, Ala., alleging that the article had been shipped by Thomas Roberts & Co., from Canton, Md., on or about September 5, 1927, and transported from the State of Maryland into the State of Alabama, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Osceola Brand Tomatoes."

It was alleged in the libel that the article was adulterated, in that it consisted wholly or in part of a filthy, decomposed, or putrid animal or vegetable substance.

On January 24, 1928, the Avant-Pace Co., Pensacola, Fla., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, conditioned in part that it be shipped to Pensacola and there, under the supervision of this department, the swelled cans be destroyed and the remainder incubated for further salvage.

W. M. JARDINE, *Secretary of Agriculture.*