

It was alleged in the libels that the article was adulterated in that added water had been mixed and packed therewith and had been substituted in part for the said article.

Misbranding was alleged for the reason that the statement "Tomatoes" and the design of a red ripe tomato borne on the label, were false and misleading and deceived and misled the purchaser when applied to an article containing added water. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, in that it was offered for sale as canned tomatoes, whereas it did not consist entirely of tomatoes, since it contained added water.

On May 8, 1930, C. W. Baker & Sons, Aberdeen, Md., claimant, having admitted the allegations of the libel and having executed a good and sufficient bond conditioned that the product be relabeled to meet the requirements of this department, a decree was entered ordering that, upon inspection and approval of this department and payment of costs by the claimant, the product be released.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17243. Adulteration of canned pie peaches. U. S. v. 140 Cases of Canned Unpeeled Pie Peaches. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24091. I. S. No. 010472. S. No. 2344.)

On or about October 2, 1929, the United States attorney for the Western 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 praying seizure and condemnation of 140 cases of canned pie peaches, remaining in the original unbroken packages at Monroe, La., alleging that the article had been shipped by the Pomona Products Co., from Griffin, Ga., on or about July 16, 1929, and transported from the State of Georgia into the State of Louisiana, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Blue Jay Brand Unpeeled Pie Peaches * * * Packed by Pomona Products Co., Griffin, Ga."

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

On March 31, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17244. Adulteration of canned pie peaches. U. S. v. 15 Cases of Canned Pie Peaches, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 24106, 24107, 24108. I. S. No. 010475. S. No. 2343.)

On or about October 10, 1929, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 55 cases of canned pie peaches, remaining in the original unbroken packages, in various lots at Jonesville, La., Ferriday, La., and St. Joseph, La., respectively, alleging that the article had been shipped by the W. L. Houser Canning Co., from Fort Valley, Ga., on or about June 27, 1929, and had been transported from the State of Georgia into the State of Louisiana, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Miona Brand Pie Peaches * * * Packed by W. L. Houser Canning Co. Fort Valley, Ga."

It was alleged in the libels that the article was adulterated in that worms and worm-eaten peaches were present therein and in that the article consisted in part of a filthy, decomposed, or putrid animal or vegetable substance.

On March 31, 1930, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17245. Misbranding of canned clams. U. S. v. 49 Cases of Canned Clams. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24553. I. S. No. 018801. S. No. 2867.)

On or about February 21, 1930, the United States attorney for the Northern District of California, 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 49 cases of canned clams, remaining in the orig-