

condemnation of 40 boxes of dried figs, remaining in the original unbroken packages at Tacoma, Wash., alleging that the article had been shipped on or about October 20, 1931, by the California Packing Corporation, from Alameda, Calif., and had been transported in interstate commerce from the State of California into the State of Washington, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Fairmont Brand Adriatic Figs Packed for Tacoma Grocery Co., Tacoma, Wash."

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

On December 28, 1931, no claimant having appeared, 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.*

19229. Adulteration and misbranding of canned tomatoes. U. S. v. 22 Cases of Tomatoes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25460. I. S. No. 4974. S. No. 3666.)

Samples of canned tomatoes from the shipment herein described having been found to contain added cyclone juice, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On December 8, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 22 cases of canned tomatoes at Boston, Mass., alleging that the article had been shipped by W. E. Robinson & Co., from Federalsburg, Md., on or about August 26, 1930, and had been transported from the State of Maryland into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Robinson Brand Tomatoes * * * Tomatoes Packed for W. E. Robinson & Co., Belair, Md. [Cut of red, ripe tomatoes]."

It was alleged in the libel that the article was adulterated in that tomato puree, pulp, or juice had been mixed and packed therewith so as to reduce and lower its quality and strength, and had been substituted in part for tomatoes, which the said article purported to be.

Misbranding was alleged for the reason that the statement "Tomatoes" and the design of red, ripe tomatoes, appearing on the label, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On September 21, 1931, 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.*

19230. Misbranding of canned tomato juice. U. S. v. 570 Cases of Canned Tomato Juice. Decree of condemnation and forfeiture. Product released under bond for relabeling. (F. & D. No. 27329. I. S. No. 38917. S. No. 5506.)

Samples of canned tomato juice from the shipment herein described having been found to be short of the volume declared on the container, the Secretary of Agriculture reported the matter to the United States attorney for the District of Massachusetts.

On December 3, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 570 cases of canned tomato juice, remaining in the original and unbroken packages at Boston, Mass., alleging that the article had been shipped on or about October 17, 1931, by Edgar F. Hurff, from Swedesboro, N. J., and had been transported in interstate commerce from the State of New Jersey into the State of Massachusetts, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Hatchet Brand Pure Tomato Juice * * * Contents 1 Pint 3 Fl. Oz. * * * The Twitchell-Champlin Co., Distributors, Portland, Maine, and Boston, Mass."

It was alleged in the libel that the article was misbranded in that the statement on the can label, "Contents 1 Pint 3 Fl. Oz.," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the fur-