

4571. Adulteration of tomatoes. U. S. v. 92 Cases of Canned Tomatoes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6859. I. S. No. 3202-1. S. No. E-389.)

On September 21, 1915, the United States attorney for the Southern District of Georgia, 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 92 cases, each case containing two dozen cans, of tomatoes, remaining unsold in the original unbroken packages at Savannah, Ga., alleging that the article had been shipped, on or about August 14, 1915, and transported from the State of Maryland into the State of Georgia, and charging adulteration in violation of the Food and Drugs Act. The shipping cases were labeled: "2 doz. No. 2 Claremont Brand Tomatoes. Net weight on labels. Packed by Mantik Pkg. Co. Baltimore, Md." The cans were labeled: "Claremont Brand Tomatoes—Contents 1 lb. 2 oz.—Claremont Brand—Packed by Mantik Pkg. Co. Highlandtown, Md."

Adulteration of the article was alleged in the libel for the reason that water had been mixed and packed with and substituted in part for tomatoes.

On December 10, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*