

judgment of condemnation and forfeiture was entered by consent, and it was ordered by the court that the product be released to the claimant upon the payment of the costs of the proceedings and the execution of a bond, in conformity with section 10 of the act.

E. D. BALL, *Acting Secretary of Agriculture.*

**7959. Adulteration and misbranding of tomatoes. U. S. \* \* \* v. 1,000 Cases Rose Hill Brand Tomatoes. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 11909. I. S. No. 3-r. S. No. E-1950.)**

On February 6, 1920, the United States attorney for the District of New Jersey, 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 1,000 cases of Rose Hill Brand tomatoes, remaining unsold in the original, unbroken packages at Newark, N. J., alleging that the article had been shipped on or about October 25, 1919, by Charles Webster, East New Market, Md., and transported from the State of Maryland into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Rose Hill Brand Tomatoes Packed by Chas. Webster at East Newmarket, Dorchester Co., Md."

Adulteration of the article was alleged in the libel in that water had been mixed and packed with it so as to reduce, lower, and injuriously affect its quality and strength. Further adulteration was alleged in that water had been substituted in part for the article.

Misbranding of the article was alleged in that the label was false and misleading and deceived and misled the purchaser into the belief that the article consisted wholly of tomatoes, whereas it contained added water. Further misbranding was alleged in that the product was an imitation of, and was sold under the distinctive name of, another article.

On May 18, 1920, Charles Webster having appeared as claimant for the property, consent decree of condemnation and forfeiture was entered, and it was ordered by the court that the product be released upon the payment of the costs of the proceedings by the claimant and the filing of a bond, in conformity with section 10 of the act.

E. D. BALL, *Acting Secretary of Agriculture.*

**7960. Misbranding of Tu-ber-ku Cough Mixture. U. S. \* \* \* v. 52 Bottles of Tu-ber-ku Cough Mixture. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 7989. I. S. No. 12057-m. S. No. C-632.)**

On January 11, 1917, the United States attorney for the Eastern 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, and on March 2, 1918, an amended libel, for the seizure and condemnation of 52 bottles of Tu-ber-ku Cough Mixture, remaining unsold in the original unbroken packages at New Orleans, La., alleging that the article had been shipped on November 6, 1916, by Cawthon Coleman Co., Selma, Ala., and transported from the State of Alabama into the State of Louisiana, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of glycerin, alcohol, sugar, and water flavored with oil of peppermint.