violation of the food and drugs act. The article was labeled in part: (Can) "McGrath's Tomatoes Champion Brand * * * Packed by H. J. McGrath Co. Baltimore, Md."

Adulteration of the article was alleged in the libel for the reason that a substance, water, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement and designation "Tomatoes" and cut of a red, ripe tomato, appearing on the labels, were false and misleading and deceived and misled the purchaser, and for the further reason that the article was sold under the distinctive name of another article.

On March 13, 1925, the H. J. McGrath Co., Baltimore, Md., having appeared as claimant for the property and having consented to the entry of a decree, 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 $3,360, in conformity with section 10 of the act, conditioned that it be relabeled in part: "Champion Brand Tomatoes Contains 15% Added Water."

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13344. Adulteration of canned cherries. U. S. v. 99 Cases of Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19527. I. S. No. 19817–v. S. No. C–5002.)

On January 22, 1925, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 99 cases of cherries, remaining in the original unbroken packages at Mansfield, Ohio, alleging that the article had been shipped by Thomas J. Sweet Co., Albion, N. Y., on or about November 10, 1924, and transported from the State of New York into the State of Ohio, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On March 20, 1925, 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.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13345. Adulteration of chestnuts. U. S. v. 15 Barrels of Chestnuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19564. I. S. 9616–v. S. No. C–4638.)

On February 7, 1925, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 15 barrels of chestnuts, remaining in the original unbroken packages at Youngstown, Ohio, alleging that the article had been shipped by the Italian Important (Importing) Co., from New York, N. Y., on or about December 24, 1924, and transported from the State of New York into the State of Ohio, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On March 20, 1925, 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.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13346. Misbranding of Foley's kidney pills. U. S. v. 6 Dozen Bottles of Foley's Kidney Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18061. I. S. No. 9218–v. S. No. C–4189.)

On November 14, 1923, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 6 dozen bottles of Foley's kidney pills, remaining in the original unbroken packages at Cleveland, Ohio, alleging that the article had