

States attorney for the district of Indiana, and libel for seizure and condemnation was duly filed, with the result hereinbefore stated.

H. W. WILEY,
F. L. DUNLAP,
GEO. P. McCABE,
Board of Food and Drug Inspection.

Approved:

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *June 28, 1909.*

(N. J. 85.)

MISBRANDING OF CANNED TOMATOES.

(UNDERWEIGHT.)

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given that on January 2, 1909, in the district court of the United States for the district of Indiana, in a proceeding of libel under section 10 of the aforesaid act for seizure and condemnation of misbranded canned tomatoes—that is to say, 34 cases of canned tomatoes labeled and branded as containing “2 dozen 3 lb.” cans each, whereas in fact the gross weight of each can was 8 ounces less than the weight declared in the label—the Sears & Nichols Company, a corporation of Chillicothe, Ohio, consignor and claimant, having appeared and filed its answer, admitting the allegations of the libel, and the cause having come on for a hearing, a decree of forfeiture and condemnation was rendered in substance and in form as follows:

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF INDIANA.

UNITED STATES	}	6880.
<i>vs.</i>		
THIRTY-FOUR CASES OF CANNED TOMATOES, MORE OR LESS.		

Now, at this day comes the United States, by Joseph B. Kealing, United States attorney for the district of Indiana, and Sears and Nichols Company, a corporation, by C. H. Sears, its secretary, claimant and owner of the said thirty-four cases of canned tomatoes, by Thomas A. Sims, their proctor, and this cause now coming on to be heard on the pleadings herein, and after due deliberation being had in the premises, the court finds that all of the allegations contained in the libel are true and that the United States is entitled to recover herein. It is therefore ordered, adjudged, and decreed that the said thirty-four cases of canned tomatoes are hereby condemned as being misbranded under the provisions of the Food and Drugs Act of June 30, 1906.

And it appearing to the court that the costs in this case, taxed at \$—, have been paid by the claimant, and the claimants having filed a good and sufficient bond

herein to the effect that the said thirty-four cases of canned tomatoes shall not be sold or otherwise disposed of contrary to the provisions of the Food and Drugs Act of June 30, 1906,

It is further ordered, adjudged, and decreed that the marshal be, and he is hereby, directed to release the said thirty-four cases of canned tomatoes and restore the same to the claimant herein.

The facts in the case were as follows:

On or about October 27, 1908, an inspector of the State board of health of Indiana, acting under authorization of the Secretary of the United States Department of Agriculture to Dr. H. E. Barnard, State food and drug commissioner of Indiana, in accordance with regulation 3 of the rules and regulations for the enforcement of the Food and Drugs Act of June 30, 1906, found in the possession of the Bement-Rea Company, in Terre Haute, Ind., 34 cases, each containing 24 cans of canned tomatoes labeled and branded "2 dozen 3 lb. Superior Tomatoes. Packed by Sears & Nichols Company, Chillicothe, Ohio, Pentwater, Michigan." The goods had been shipped to the Bement-Rea Company by the Sears & Nichols Company from Chillicothe, Ohio. A number of the cans were weighed by the inspector, and the average gross weight was found to be 40 ounces.

The goods were therefore misbranded within the meaning of section 8 of the act, and on October 29, 1908, the facts were reported to the United States attorney for the district of Indiana and libel for seizure and condemnation was duly filed, with the result hereinbefore stated.

H. W. WILEY,
F. L. DUNLAP,
GEO. P. McCABE,

Board of Food and Drug Inspection.

Approved:

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *June 28, 1909.*

(N. J. 86.)

MISBRANDING OF A DRUG PRODUCT.

(SALTPETRE.)

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given that on the 2d day of March, 1909, in the district court of the United States for the district of New Jersey, in a prosecution by the United States against L. Sonneborn Sons (Incorporated), a corporation conducting business at Avondale, N. J., for violation of section 2 of the aforesaid act, in