what in the dark as to what he must meet. The pleadings are intended to advise him of that, and interrogatories are proper to reduce those allegations to very specific form. They should be encouraged for that purpose, but so far as they call upon the pleader to go further, and give, not only the details of his allegations, but the evidence by which he means to prove them, they are liable to abuse. If there develop on the trial a case of genuine surprise, the court, especially where there is no jury, has ample power to protect the party surprised.

"While it has been held that admiralty rule No. 31 as to interrogatories to parties should be as broadly construed as federal rule 33 touching disclosure of an adversary's case (see The Exermont, 1 F. R. D. 574; Citro Chemical Co. v. Bank Line Limited, 1 F. R. D. 638), the better rule is that interrogatories may not be used to examine the opposite party as to evidence upon which the other will rely to support his own case (Jensen v. Sinclair Nav. Co., 58 F. (2d) 407; Cargo Carriers v. The Prospect, 2 F. R. D. 519; The Arthur Conners, 35 F. Supp. 775).

"An order will be entered denying the motion filed February 26, 1943."

On April 25, 1944, a motion was filed by the Government for amendment of the libel, to allege that the product consisted in whole or in part of decomposed tomato material, as evidenced by mold, rot fragments, fly eggs, and fly maggots. The claimant subsequently requested that as a condition to the granting of the Government's motion for amendment, terms be imposed requiring the Government to disclose certain analytical data. After hearing the argument of the counsel and after due consideration of briefs submitted, the court, on July 10, 1944, granted the motion without imposition of the terms requested by claimant. The claimant thereafter withdrew its answer to the libel, and on November 18, 1944, judgment of condemnation was entered.

On November 20, 1944, the court ordered that the portion of the product which was found fit for food be released to the Ladoga Canning Co., and that the remainder be delivered to a Federal institution, for use as animal feed.

11466. Adulteration of tomato puree. U. S. v. 500 Cases * * *. (F. D. C. No. 20599. Sample No. 40703–H.)

LIBEL FILED: July 30, 1946, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about June 14, 1946, by the Meyer Canning Co., from Edinburg, Tex.

PRODUCT: 500 cases, each containing 48 10½-ounce cans, of tomato puree at St. Louis, Mo.

LABEL, IN PART: "Gold Inn Brand Tomato Puree."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: September 4, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11467. Adulteration of tomato puree. U. S. v. 23 Cases * * *. (F. D. C. No. 20372. Sample No. 45520–H.)

LIBEL FILED: June 27, 1946, District of Oregon.

ALLEGED SHIPMENT: On or about June 7, 1946, by Wellman-Peck & Co., from San Francisco, Calif.

PRODUCT: 23 cases, each containing 6 6-pound, 8-ounce cans, of tomato puree at Portland, Oreg.

LABEL, IN PART: "Wellman Whole Tomato Puree."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: October 15, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11468. Adulteration of tomato puree and tomato juice. U. S. v. 248 Cases, etc. (F. D. C. Nos. 20662, 20663, 20695. Sample Nos. 39995–H, 51261–H, 51262–H, 67310–H, 67311–H.)

LIBELS FILED: August 14 and 22, 1946, Eastern District of Arkansas, Western District of Missouri, and District of Minnesota.