

4255. Adulteration of tomato pulp. U. S. * * * v. 400-Cases * * * Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 6598, 6599. I. S. Nos. 14567-k, 14568-k. S. Nos. C-241, C-242.)

On June 8, 1915, the United States attorney for the Northern District of Illinois, 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 400 cases, each containing 48 cans of tomato pulp, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the product had been shipped on May 8, 1915, and transported from the State of Indiana into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that, when it was shipped as aforesaid, it consisted in part of a filthy animal substance; for the further reason that it consisted in part of a filthy vegetable substance; for the further reason that it consisted in part of a decomposed animal substance; for the further reason that it consisted in part of a decomposed vegetable substance; for the further reason that it consisted in part of a putrid animal substance; and for the further reason that it consisted in part of a putrid vegetable substance.

On August 4, 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.

(The report of this department, upon which the proceedings in this case were based, did not include a finding that the product consisted of an animal substance.)

CARL VROOMAN, *Acting Secretary of Agriculture.*