

4267. Adulteration of pork and beans with tomato sauce. U. S. * * * v. 45 Cases of Pork and Beans. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6664. I. S. No. 2830-k. S. No. E-329.)

On June 29, 1915, 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 45 cases of pork and beans with tomato sauce, remaining unsold in the original unbroken packages at Newark, N. J., alleging that the product had been shipped on or about May 8, 1915, and transported from the State of Wisconsin into the State of New Jersey, and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "Eureka Brand High Grade Pure Food Products Pork and Beans with Tomato Sauce Packed by Wisconsin Pea Cannery Co., Manitowoc, Wis. Eureka Brand (Design) Pork and Beans with Tomato Sauce Quality Guaranteed by Wisconsin Pea Cannery Co. Contents 1 lb. 12 oz. W. P. C. Co."

It was alleged in the libel that the pork and beans were adulterated in that they consisted, in whole or in part, of a decomposed vegetable and animal substance; and for the further reason that they were mixed in a manner whereby damage and inferiority were concealed.

On July 28, 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 article was composed of a decomposed animal substance.)

CARL VROOMAN, *Acting Secretary of Agriculture.*