

6049. Adulteration of tomato pulp. U. S. * * * v. 100 Cases of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 8591. I. S. No. 1042-p. S. No. E-924.)

On November 20, 1917, the United States attorney for the Southern District of New York, 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 100 cases, each containing 48 cans of tomato pulp, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped on or about November 1, 1917, by J. Frank Hearn, Wingate, Md., and transported from the State of Maryland into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Fox Creek Brand Tomato Pulp. * * * Packed by J. Frank Hearn, Wingate, Md."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed vegetable substance, to wit, decomposed tomatoes.

On December 10, 1917, 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.

CARL VROOMAN, *Acting Secretary of Agriculture.*