

3616. Adulteration of tomato sauce. U. S. v. 22 Cases of Tomato Sauce. Default decrees of condemnation, forfeiture, and destruction. (F. & D. No. 5691. I. S. No. 7842-h. S No. E-23)

On April 18, 1914, the United States attorney for the Western District of Pennsylvania, 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 22 cases, more or less, each containing 200 cans, purporting and represented to be tomato sauce, remaining unsold in the original unbroken packages at Pittsburgh, Pa., alleging that the product had been shipped on or about March 18, 1914, and transported from the State of New York into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. The shipping cases were marked in part: "I. I. Co., N. Y. J. Cuda, Pittsburgh, Pa." Each of the cans was branded in part: "Vesuvian—Tomato Sauce Cipolla Brand—Packed in Sanitary Cans—No Acid or Solder used—Salsa di Pomodoro—This Produce Contains Absolutely No Preservatives of Any Kind—Packed by Vesuvian Preserving Co., Vineland, N. J.—V. P. Co.—Trade Mark.—Contains 6 oz.—The Italian Importing Co., N. Y. Sole Distributors."

Adulteration of the product was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance unfit for food.

On June 15, 1914, 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.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 12, 1915.*