

3777. Adulteration of tomato pulp. U. S. v. 78 Cases * * * of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6083. I. S. No. 11245-k. S. No. C-115.)

On November 10, 1914, the United States attorney for the Southern District of Ohio, 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 78 cases, each containing 24 cans of tomato pulp, remaining unsold in the original unbroken packages at Cincinnati, Ohio, alleging that the product had been shipped and transported in interstate commerce from the State of Indiana into the State of Ohio, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "Our Best Tomato Pulp. Packed by Austin Canning Co., Austin, Ind. Roanoke Valley. * * * From Austin Canning Co., Incorporated. Packers of Extra Quality Canned Foods, Austin, Indiana."

Adulteration of the product was alleged in the libel for the reason that it contained and consisted of a filthy and decomposed vegetable substance.

On January 9, 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.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 1, 1915.*