

Adulteration of the product was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance, and for the further reason that it consisted wholly or in part of a portion of an animal unfit for food.

On September 6, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that product should be destroyed by the United States marshal.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 6, 1914.*

**3151. Adulteration of shell eggs. U. S. v. 12 Tubs of Shell Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5291. S. No. 1880.)**

On July 31, 1913, 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, and, on August 5, 1913, an amended libel, for the seizure and condemnation of 12 tubs of shell eggs, remaining unsold in the original packages and in possession of the Western Egg Yolk Co., Jersey City, N. J., alleging that the product had been shipped on or about July 28, 1913, by the Western Egg Yolk Co., doing business in New York, N. Y., and transported from the State of New York into the State of New Jersey, and charging adulteration in violation of the Food and Drugs Act. The product was unlabeled.

Adulteration of the product was alleged in the libel for the reason that the eggs were filthy, decomposed, or putrid.

On August 19, 1913, 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.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 6, 1914.*

**3152. Adulteration of tomato pulp. U. S. v. 912 Cases of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5292. S. No. 1883.)**

On August 2, 1913, 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 912 cases of tomato pulp in cans varying in size from 5 to 6 gallons, remaining unsold in the original unbroken packages and in possession of the Cincinnati Storage & Warehouse Co., as bailee of the Jersey Packing Co., the owner of the product, Cincinnati, Ohio, alleging that the product had been transported in interstate commerce from the State of Delaware into the State of Ohio, and charging adulteration in violation of the Food and Drugs Act. The product bore no label. 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 November 15, 1913, no claimant having appeared for the property, an order pro confesso was entered.

On January 10, 1914, the case having come on for final hearing, upon motion of the United States attorney for judgment, and upon the testimony of witnesses offered ex parte on behalf of libelant to sustain the allegations of the libel, 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.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 6, 1914.*