

U. S. DEPARTMENT OF AGRICULTURE,

BUREAU OF CHEMISTRY.

C. L. ALSBERG, CHIEF OF BUREAU.

SERVICE AND REGULATORY ANNOUNCEMENTS.¹**SUPPLEMENT.**N. J. 3551-3600.

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

3551. Adulteration of canned tomatoes. U. S. v. 109 Cases, More or Less, of Tomatoes. Consent decree of condemnation and forfeiture. Product ordered destroyed. (F. & D. No. 5549. I. S. No. 4903-h. S. No. 2091.)

On January 26, 1914, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District aforesaid, holding a district court, a libel for the seizure and condemnation of 109 cases, more or less, each containing six 1-gallon cans of tomatoes, remaining unsold in the original unbroken packages in possession of the Richmond Lunch, a body corporate, Washington, D. C., alleging that the product had been transported from the State of Maryland into the District of Columbia, and charging adulteration in violation of the Food and Drugs Act. The cases were labeled, in part: "Starpaco Brand Tomatoes Packed by W. S. Smith Co., Centerville, Md. Factory at Starr, Queen Anne Co., Md. Contents weigh 6 lb. 9 oz. or over. Guarantee legend and serial No. 43223. These tomatoes are packed with care." The cans were labeled, in part: "Starpaco Brand Tomatoes Packed by W. S. Smith Co., Centerville, Md. Factory at Starr, Queen Anne Co., Md. Contents weigh 6 lb. 9 oz. or over. Guarantee legend and serial No. 43223. These tomatoes are packed with care."

Adulteration of the product was alleged in the libel for the reason that it consisted of decomposed vegetable matter or substance.

On March 17, 1914, the said Richmond Lunch, claimant, having filed its plea and answer, consented to a decree of condemnation and to the destruction of 298 cans from [of] the product, and showing the segregation and distinctive marking of the remaining 302 cans of tomatoes as goods that might be safely used as food, judgment

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of condemnation and forfeiture was entered, and it was ordered by the court that the said 298 cans of the product should be destroyed by the United States marshal and that the 302 cans should be delivered and surrendered to said claimant upon the execution of a good and sufficient bond in conformity with section 10 of the act. On November 18, 1914, the said respondent having failed to furnish a good and sufficient bond and it appearing that the 302 cans of tomatoes had become unfit for food, it was ordered by the court that the same should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *January 13, 1915.*