

4240. Adulteration of tomato pulp. U. S. v. 15 Cases of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6535. I. S. No. 2307-k. S. No. E-268.)

On May 19, 1915, the United States attorney for the Southern District of Georgia, 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 15 cases, each containing certain cans of tomato pulp, remaining unsold in the original unbroken packages at Savannah, Ga., alleging that the product had been shipped, on or about April 16, 1915, and transported from the State of Maryland into the State of Georgia, and charging adulteration in violation of the Food and Drugs Act. The cases were labeled: "Ruxton Brand Tomato Pulp Made From Tomatoes and Tomato Trimmings. Contents 10 ounces. Packed by Mantik Packing Co., Highlandtown, Md." The retail packages were labeled: "'Ruxton' Brand Tomato Pulp Made From Tomatoes and Tomato Trimmings. Contents 10 ounces. Mantik Packing Co. Highlandtown, Md.—'Ruxton' Brand Packed by Mantik Packing Co., Highlandtown, Md."

Adulteration of the article was alleged in the libel for the reason that the contents of said cans consisted in whole or in part of a decomposed vegetable product containing excessive bacteria and mold, which might render the product injurious to health.

On September 21, 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.

(The report of this department, upon which the proceedings in this case were based, did not include a finding that the product contained excessive bacteria or might be injurious to health.)

C. F. MARVIN, *Acting Secretary of Agriculture.*