

4256. Adulteration of tomato pulp. U. S. * * * * v. 129 Cases * * * of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6603. I. S. No. 14571-k. S. No. C-246.)

On June 10, 1915, the United States attorney for the Northern District of Illinois, 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 129 cases, more or less, each containing 24 cans of tomato pulp, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the product had been shipped on May 8, 1915, and transported from the State of Indiana into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in the libel for the reason that the article of food, when it was so shipped as aforesaid, consisted in part of a filthy animal substance; for the further reason that it consisted in part of a filthy vegetable substance; for the further reason that it consisted in part of a decomposed animal substance; for the further reason that it consisted in part of a decomposed vegetable substance; for the further reason that it consisted in part of a putrid animal substance; and for the further reason that it consisted in part of a putrid vegetable substance.

On August 4, 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 consisted of an animal substance.)

CARL VROOMAN, *Acting Secretary of Agriculture.*