

4430. Adulteration of tomato pulp. U. S. * * * v. 500 Cases of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6374. I. S. Nos. 12588-k, 12591-k. S. No. C-181.)

On March 17, 1915, the United States attorney for the Northern District of Alabama, 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 500 cases of tomato pulp, remaining unsold in the original unbroken packages at Birmingham, Ala., alleging that 325 cases of the article had been shipped on December 22, 1914, and 175 cases on February 10, 1915, and transported from the State of Indiana into the State of Alabama, and charging adulteration in violation of the Food and Drugs Act. The shipping cases containing the various brands were labeled: "No. 1 Our Best Brand Tom. Pulp," "No. 1, Leota Tomato Pulp," and "No. 1 Scott Co. Tomato Pulp." The cans containing the various brands were labeled: "Our Best Brand Tomato Pulp, Leota Canning Co., Leota, Ind., contents 10 oz.," "Leota Brand Tomato Pulp, contents 10 oz., Leota Canning Co., Leota, Ind." and "Scott Co. Brand Whole Tomato Pulp, Packed by Austin Canning Co., Austin, Ind., contents 10 oz."

Adulteration of the article was alleged in the libel for the reason that it consisted, in whole or in part, of a filthy, decomposed, and putrid animal or vegetable substance, and was unfit for food. It was further alleged that the tomato pulp was unsound, damaged, and decomposed.

On September 22, 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.*