

4679. Adulteration of tomato paste. U. S. * * * v. 50 Cases Tomato Paste.
Default decree of condemnation, forfeiture, and destruction. (F. & D.
No. 7088. I. S. No. 2036-1. S. No. E-485.)

On December 2, 1915, the United States attorney for the Southern District of New York, 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 50 cases, each containing 60 cans, of tomato paste, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped, on or about November 2, 1915, by George Roncoroni, Alloway, N. J., and transported from the State of New Jersey into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The shipping cases were branded, in part: "5 doz. No. Tomato Paste. Packed for Geo. Roncoroni, 148 Spring St., New York. Net weight 14 oz." The retail packages were labeled: "Tomato Paste" (Picture of tomato) "Roncoroni Red—Made from Whole Tomatoes and peelings. Direzione * * * Directions * * * G. Roncoroni, 148 Spring St., N. Y. Distributor. Manufactured in United States. Net weight 14 oz." (Picture of man and waitress at table, talking.) "Trade Mark."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance, to wit, moldy, decayed tomato.

On December 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.

CARL VROOMAN, *Acting Secretary of Agriculture.*