

5047. Adulteration of tomato ketchup. U. S. * * * v. 50 Cases * * * 5 Barrels * * * and 30 Jugs * * * of Tomato Ketchup. Consent decreè of condemnation, forfeiture, and destruction. Empty containers released on payment of costs. (F. & D. No. 7022. I. S. Nos. 10794-1, 10795-1. S. No. C-378.)

On November 15, 1915, the United States attorney for the Eastern District of Kentucky, 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 4 dozen bottles; 5 barrels, each containing 22 dozen bottles; and 30 jugs of tomato ketchup, consigned on or about September 30, 1915, by the A. W. Colter Canning Co., Mount Washington, Ohio, and remaining unsold in the original unbroken packages at Covington, Ky., alleging that the article had been shipped and transported from the State of Ohio into the State of Kentucky, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "* * * 'Colter' Tomato Catsup * * *."

Adulteration of the article was alleged in the libel for the reason that it contained and in part consisted of a decomposed vegetable matter.

On December 6, 1915, the said A. W. Colter Canning Co., claimant, having admitted the allegations contained in the libel, 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, and that the containers thereof should be released to said claimant, against whom the costs of the proceedings were assessed.

CARL VROOMAN, *Acting Secretary of Agriculture.*