

**5350. Adulteration of tomatoes. U. S. \* \* \* v. 291 Cases of Tomatoes:  
Default decree of condemnation, forfeiture, and destruction.  
(F. & D. No. 7842. I. S. No. 1058-m. S. No. E-743.)**

On November 13, 1916, 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 291 cases, each containing 6 cans of tomatoes, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped on September 7, 1916, by S. H. Levin's Sons, Bridgeton, 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.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance, to wit, fermented and decomposed tomatoes.

On December 18, 1916, 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.

R. A. PEARSON, *Acting Secretary of Agriculture.*