

5403. Adulteration of tomato pulp. U. S. * * * v. 350 Cases of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7934. I. S. No. 2538-m. S. No. E-776.

On December 21, 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 350 cases of tomato pulp, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped on or about December 10, 1916, by the Mantik Packing Co., Baltimore, Md., and transported from the State of Maryland into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Ruxton Brand Tomato Pulp Made from Tomatoes and Tomato Trimmings * * *."

Adulteration of the article was alleged, in substance, in the libel for the reason that it consisted in particular, wholly or in part, of a decomposed vegetable substance.

On January 10, 1917, 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.*