

6688. Adulteration of tomato paste. U. S. * * * v. 750 Cases of Tomato Paste. Consent decree of condemnation, forfeiture, and destruction or sale. (F. & D. Nos. 8998-9004. I. S. No. 1231-p. S. No. E-1030.)

On April 22, 1918, 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 750 cases, each containing 200 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 28, 1917, by the Italian American Canning Co., San Francisco, Calif., and transported from the State of California into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

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

On December 18, 1918, J. D. Stephanides, proctor for John D. Stephanides and Vasilis A. Touris, as executors of the will of Sotirious A. Touris, deceased, and Albert M. Yuzzolina, proctor for Bellanca & Co., claimants, having consented to a decree, 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 judgment be entered against said claimants for the costs of the proceedings. On March 14, 1919, it was provided by an amended decree of the court that the goods might be disposed of for feeding stock, for fertilizer, or for other similar purpose.

C. F. MARVIN, *Acting Secretary of Agriculture.*