

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 costs of the proceedings should be paid by said claimant.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 6, 1914.*

3149. Adulteration and alleged adulteration of tomato pulp. U. S. v. 400 and 1,000 Cases of Tomato Pulp. Consent decree of condemnation, forfeiture, and destruction as to the 400 cases. Libel dismissed as to the 1,000 cases. (F. & D. No. 5288. S. No. 1878.)

On July 30, 1913, the United States Attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 400 cases and 1,000 cases, each containing 48 cans of tomato pulp, remaining unsold in the original unbroken packages in possession of A. Janszen & Co., Cincinnati, Ohio, alleging that the product had been transported in interstate commerce from the State of Maryland into the State of Ohio, and charging adulteration in violation of the Food and Drugs Act. The 400 cases were labeled: "4 Doz. No. 1 Victory Strained Tomato Trimmings and Tomato Pulp—Packed by John Boyle Co., Baltimore, Md.—A. J. Cin., O." The cans in these cases were labeled: "Victory Brand Strained Tomato Trimmings and Tomato Pulp—For Soup—Packed by The John Boyle Co., at Baltimore, Md." The 1,000 cases were labeled: "4 Doz. No. 1 Yale Brand Strained Tomato Trimmings and Tomato Pulp—Packed by The John Boyle Co., A. J. Cin., O." The cans in the 1,000 cases were labeled: "Yale Brand Strained Tomato Trimmings and Tomato Pulp—For Soup—Guaranteed by The John Boyle Co., under the Food and Drugs Act June 30, 1906, Serial No. 4378.—The John Boyle Co., Baltimore, Md., Distributors."

Adulteration of the product was alleged in the libels for the reason that said article of food contained and consisted of a filthy and decomposed vegetable substance.

On November 15, 1913, the case against the 1,000 cases having come on for hearing, upon motion of the United States attorney the case was dismissed and it was ordered by the court that the product should be redelivered to the claimant thereof, the John Boyle Co., Baltimore, Md.

On November 26, 1913, the said John Boyle Co., claimant for the 400 cases of pulp, having filed its answer admitting the facts set forth in the libel and consenting to a decree, judgment of condemnation and forfeiture as to the 400 cases was entered, and it was ordered by the court that the product should be destroyed by the United States marshal and that the costs of the proceeding should be paid by said claimant.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 6, 1914.*

3150. Adulteration of hog casings. U. S. v. 8 Tierces of Hog Casings. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5290. S. No. 1879.)

On July 29, 1913, the United States Attorney for the Northern District of Illinois, 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 8 tierces of hog casings, remaining unsold in the original packages and in possession of Berth-Levi Co., Chicago, Ill., alleging that the product had been shipped on July 21, 1913, by the Rath Packing Co., Waterloo, Iowa, and transported from the State of Iowa into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.