

3666. Adulteration of tomato pulp. U. S. v. 25 Cases of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5795. I. S. No. 22441-h. S. No. E-68.)

On July 3, 1914, the United States attorney for the District of New Jersey, 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 25 cases, each containing 4 dozen cans of tomato pulp, remaining unsold in the original unbroken packages at Newark, N. J., alleging that the product had been shipped on or about June 22, 1914, and transported from the State of Maryland into the State of New Jersey, and charging adulteration in violation of the Food and Drugs Act. The cans were labeled: "Fox Creek Brand Tomato Pulp Made from Tomatoes and Tomato Trimmings. Contents 10 oz. Packed by J. Frank Hearn, Bishops Head, Md."

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

On August 10, 1914, 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.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 26, 1915.*