

3737. Adulteration of tomato pulp. U. S. v. 100 Cases of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5977. I. S. No. 12015-k. S. No. C-90.)

On October 6, 1914, the United States attorney for the Eastern District of Missouri, 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 100 cases, each containing 48 cans, of tomato pulp, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the product had been shipped on or about September 2, 1914, and transported from the State of Indiana into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "Pilot Brand Tomato Pulp Made from Pieces & Trimmings of Tomatoes. Distributed by Haas-Lieber Grocery Co. St. Louis, Mo. Contents 8 oz. Distributed by Haas-Lieber Grocery Co. St. Louis, Mo. Pilot Brand." (design of pilot and of tomato).

It was alleged in the libel that the product was adulterated in violation of section 7 of said act of Congress and liable to seizure and confiscation as provided in said act for the following reasons, to wit, that said product contained, when so shipped, a large number of bacteria, to wit, 27,000,000 per cubic centimeter, and a large number of yeasts, to wit, 18 yeast per 1/60 cubic millimeter, and that 76 per cent of the fields examined contained molds, and said product consisted in whole or in large part of a filthy, decomposed, and putrid vegetable substance, and was of a deleterious¹ character and unfit for use as food within the meaning of the said act of Congress.

On November 12, 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., *April 16, 1915.*

¹ When this case was reported for action it was not claimed by this department that the product was of a deleterious character.