

3793. Adulteration of tomato paste. U. S. v. 112 Barrels of Tomato Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6135. I. S. Nos. 250-k, 251-k, 252-k. S. No. E-169.)

On November 27, 1914, 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 112 barrels of tomato paste, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the product had been shipped on or about October 20, 1914, and transported from the State of Delaware into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the product was liable to condemnation and confiscation for the reason that each of said barrels contained an article of food, to wit, tomato paste, which, being a vegetable substance, was adulterated contrary to the provisions of said Food and Drugs Act in that said article of food consisted in particular [part] of a filthy, decomposed, and putrid vegetable substance, to wit, decayed tomato, contrary to the provisions of section 7, subdivision 6, under "Food," of said Food and Drugs Act.

On February 23, 1915, claim to the property having been withdrawn, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.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.*

WASHINGTON, D. C., *May 8, 1915.*