

3808. Adulteration of tomato pulp. U. S. v. 200 Cases of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (E. & D. No. 6192. I. S. No. 12745-k. S. No. C-140.)

On December 18, 1914, the United States attorney for the Western 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 200 cases, each containing 48 cans of tomato pulp, remaining unsold in the original unbroken packages at Kansas City, Mo., alleging that the product had been shipped on or about November 9, 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 cases were labeled: "No 1 Scott Co. Brand Tomato Pulp." The cans in the cases were labeled: "Scott County Brand. Whole Tomato Pulp. Packed by Austin Canning Company, Austin, Indiana. Contains 10 oz. This Tomato Pulp is especially made for home use as a condiment with macaroni or tomato soup and as a sauce for roasts and stews."

Adulteration of the product was alleged in the libel for the reason that each of the cans contained, and was filled with, a vegetable substance which consisted, in whole or in part, of a filthy, decomposed, putrid vegetable substance; that a microscopical analysis and examination of the contents of the cans resulted as follows, to wit: Mold filaments present in 68 and 76 per cent of all microscopical fields examined; yeast and spores, 47 and 36 per one-sixtieth cubic millimeter; bacteria, 20,000,000 and 30,000,000 per cubic centimeter.

On January 25, 1915, 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.

CARL VROOMAN, *Acting Secretary of Agriculture.*

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