

3997. Adulteration of tomato pulp. U. S. * * * v. 100 Cases * * * of Tomato Pulp. Default decrees of condemnation, forfeiture, and destruction. (F. & D. No. 6318. I. S. No. 11299-k. S. No. C-172)

On February 26, 1915, 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 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 Cincinnati, Ohio, alleging that the product had been shipped and transported in interstate commerce from the State of Kentucky into the State of Ohio, and charging adulteration in violation of the Food and Drugs Act. The cases were labeled: "4 Doz. No. 1 Blue Grass Tomato Puree—Henry Helmers, Cincinnati, O." The cans were labeled: "Tomato Puree or Pulp—This package contains ripe tomato juice, condensed, especially suited for dressing fish, oysters, meats, etc. Adapted to the making of home made catsup. Contents about 9 oz. Blue Grass Brand Trade Mark Daniel Boone—Blue Grass Canning Co. Owensboro, Ky. U. S. A."

It was alleged in the libel that the article of food was adulterated within the meaning of the Food and Drugs Act in that said article of food contained and in part consisted of a decomposed vegetable substance.

On March 22, 1915, no claimant having appeared for the property, it was ordered that the libel be taken pro confesso, and that the case might be presented for final judgment and decree at any time subsequent to 30 days from the entry of said order pro confesso. On April 23, 1915, no claim to the product or answer to the libel having been filed, 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.

C. F. MARVIN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 19, 1915.*