

4209. Adulteration of tomato pulp. U. S. v. 25 Cases of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6473. I. S. No. 3621-k. S. No. E-255.)

On April 28, 1915, the United States attorney for the Southern District of Georgia, 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 case containing 4 dozen cans, of tomato pulp, remaining unsold in the original unbroken packages at Savannah, Ga., alleging that the product had been shipped, on or about April 15, 1915, and transported from the State of Maryland into the State of Georgia, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "Belmont Brand Tomato Pulp made from Tomatoes and Tomato Trimmings. Contents 10 ounces. Mantik Packing Co. Highlandtown, Md. Belmont Brand Packed by Mantik Packing Co., Highlandtown, Md."

Adulteration of the article was alleged in the libel for the reason that the contents of said cans consisted in whole or in part of a decomposed vegetable product, containing excessive bacteria and mold, which might render said product injurious to health.

On September 21, 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.

(The report of this department, upon which the proceedings in this case were based, did not include a finding that the product contained excessive bacteria or might be injurious to health.)

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