

4281. Adulteration of tomato purée. U. S. * * * v. 850 Cases * * * of Tomato Purée. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6703. I. S. No. 16410-k. S. No. C-273.)

On July 7, 1915, the United States attorney for the Northern District of Illinois, 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 850 cases, more or less, each containing 48 cans of tomato purée, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the product had been shipped on April 16, 1915, and transported from the State of Indiana into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration was alleged in the libel for the reason that the article of food, when it was so shipped as aforesaid, consisted of a partially decomposed vegetable substance; for the further reason that it consisted of a partially decomposed animal substance; for the further reason that it consisted in part of a filthy vegetable substance; and for the further reason that it consisted in part of a filthy animal substance.

On September 9, 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 consisted of a filthy and decomposed animal substance.)

CARL VROOMAN, *Acting Secretary of Agriculture.*