

4294. Adulteration and misbranding of tomato pulp. U. S. * * * v. 25 Cases * * * of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6779. I. S. No. 3687-k. S. No. E-374.)

On July 31, 1915, the United States attorney for the District of New Jersey, 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 containing two dozen cans of tomato pulp, remaining unsold in the original unbroken packages at Passaic, N. J., alleging that the product had been shipped on or about July 22, 1915, and transported from the State of Maryland into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Asquith Brand Tomato Pulp. Made from small tomatoes and fresh tomato trimmings and put up under the most sanitary conditions."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a decomposed vegetable and animal substance.

Misbranding was alleged for the reason that the tomato pulp was in package form and the quantity of the contents of each package was not plainly and conspicuously marked on the outside of said package in terms of weight, measure, and [or] numerical count, or in any other manner.

On September 23, 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 decomposed animal substance.)

CARL VROOMAN, *Acting Secretary of Agriculture.*