

**4302. Adulteration of canned tomatoes. U. S. \* \* \* v. 550 Cases of Canned Tomatoes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6826. I. S. No. 1906-1. S. No. E-382.)**

On August 23, 1915, the United States attorney for the Southern District of New York, 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 550 cases of canned tomatoes, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the product had been shipped on or about August 5, 1915, and transported from the State of Maryland into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that an unusually large number of cans containing said article of food were swelled, and that there was evidence of reprocessing, and that said article of food consisted in particular [part] of a partially decomposed vegetable product, [and] was sour and unfit for food; contrary to the provisions of section 7, subdivision 6, under "Food," of the said Food and Drugs Act.

On September 20, 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.*