

**4457. Adulteration of tomato conserve. U. S. \* \* \* v. 10 Cases \* \* \*  
of Tomato Conserve. Default decree of condemnation, forfeiture,  
and destruction. (F. & D. No. 6487. I. S. No. 14722-k. S. No. C-199.)**

On April 29, 1915, the United States attorney for the Southern District of Iowa, 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 10 cases, more or less, of tomato conserve, remaining unsold in the original unbroken packages at Des Moines, Iowa, alleging that the article had been shipped, on or about November 17, 1914, and transported from the State of New Jersey into the State of Iowa, and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "Conserva Di Pomodoro Vesuvian Preserving Co., Vineland, N. J. Eagle Brand. Made from tomatoes and trimmings. Tomato Paste. Contents 13 oz." It was invoiced as "Ten (10) cases of Tomato Conserve."

The allegations in the libel were to the effect that the product contained considerable sand and consisted of a partially decomposed vegetable substance, and further that it consisted wholly of a filthy, decomposed, and putrid vegetable substance unfit for food.

On November 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.

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