

**4462. Adulteration of tomato pulp. U. S. \* \* \* v. 50 Cases \* \* \* of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 6501. I. S. No. 14727-k. S. No. C-215.)

On May 4, 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 50 cases, more or less, each containing four dozen cans, of tomato pulp, remaining unsold in the original unbroken packages at Ottumwa, Iowa, alleging that the article had been shipped, on or about November 10, 1914, and transported from the State of Maryland into the State of Iowa, and charging adulteration in violation of the Food and Drugs Act. The shipping cases were labeled: "Popular Brand Tomato Pulp." The cans were labeled: "Popular Brand Tomato Pulp. Made from Trimmings and Small Tomatoes."

Adulteration of the article was alleged in the libel for the reason that it consisted of a partially decomposed vegetable substance. It was further alleged that the article consisted in whole of a filthy, decomposed, and putrid vegetable substance, unfit for food.

On October 27, 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.*