

4465. Adulteration of strained tomatoes. U. S. * * * v. 25 Cases Strained Tomatoes. Default decree of condemnation, forfeiture, and destruction. (F. & D. 6510. I. S. No. 2666-k. S. No. E-260.)

On May 7, 1915, the United States attorney for the Northern District of West Virginia, 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 four dozen retail cans, of strained tomatoes, remaining unsold in the original unbroken packages at Wheeling, W. Va., alleging that the article had been shipped in September and October, 1914, and transported from the State of Maryland into the State of West Virginia, and charging adulteration in violation of the Food and Drugs Act. The cases were labeled: "4 doz. No. 1 Arlo Strained Tomatoes for Soup. Packed at East Brooklyn Pres. Works, East Brooklyn, Md." The retail packages were labeled: "Arlo Made from pieces and Trimmings of Tomatoes Strained Tomatoes for soup When ready to use remove contents to a glass or earthenware dish. Contents 10 ozs. Arlo Food Products Packed at East Brooklyn Pres. Works, East Brooklyn, Md."

The allegations in the libel were to the effect that the article was adulterated for the reason that it consisted of a filthy and partially decomposed vegetable product and was unfit for food.

On October 19, 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 be destroyed by the United States marshal.

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