

4484. Adulteration of tomato pulp. U. S. * * * v. 100 Barrels * * * of Tomato Pulp. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 6573. I. S. No. 3244-k. S. No. C-251.)

On June 11, 1915, the United States attorney for the Southern District of Texas, 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 100 barrels, more or less, of tomato pulp, remaining unsold in the original unbroken packages at Houston, Tex., charging that the same was adulterated in violation of the Food and Drugs Act. The article was labeled: "This barrel of pulp contains 8 oz. benzoate of soda, 4 lbs. table salt, prepared by D. E. Foote & Co., Inc., Baltimore, Md., for * * *, Houston Heights, Texas."

It was alleged in the libel that the article was rotten, putrid, and totally unfit for human consumption and food; that it was sour and partially decomposed, and also adulterated in violation of section 7, paragraph 6, of the Food and Drugs Act.

On September 27, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it appearing to the court that the pulp was not unfit for use or in any way deleterious as food for hogs, it was ordered by the court that the product should be sold by the United States marshal, and that the purchaser should give bond in conformity with section 10 of the act, in the sum of \$250, conditioned that the pulp should not be sold or otherwise disposed of contrary to law.

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