

4488. Adulteration of tomato purée. U. S. * * * v. 400 Cases of Tomato Purée. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6588. I. S. No. 14912-k. S. No. C-239.)

On June 18, 1915, the United States attorney for the Eastern District of Missouri, 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 460 cases, each containing 48 cans, of tomato purée, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped, on or about October 31, 1914, and transported from the State of Indiana into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act. All of the cases were labeled: "Packed in sanitary cans, sealed without solder or acid." Sixty-nine of the cases were also labeled: "4 doz. No. 1 Scheid Brand Tomato Puree. Packed by H. E. Scheid, Covington, Ind." The cans in the 69 cases were labeled: "Scheid Brand Tomato Puree. Made from red ripe tomatoes, net weight ten and one-half. (Design of Red tomato). Scheid Brand—Guaranteed by H. E. Scheid, Covington, Ind., under Food and Drug Act, June 30, 1906. Serial 48468."

Adulteration of the article was alleged in the libel for the reason that it consisted, in whole or in large part, of a filthy, decomposed, and putrid vegetable substance, and was of a deleterious character, and unfit for use as food within the meaning of the Food and Drugs Act.

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.

[The report of this department, upon which the proceedings in this case were based, did not include a finding that the product was of a deleterious character.]

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