

**4718. Adulteration of tomato pulp. U. S. * * * v. 2770 Cans * * *
of Tomato Pulp. Consent decree of condemnation and forfeiture.
Portion of product destroyed; portion ordered released on bond.
(F. & D. No. 7171. I. S. Nos. 1268-1, 1269-1, 1270-1. S. No. E-538.)**

On January 24, 1916, the United States attorney for the Eastern District of Pennsylvania, 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 2,770 cans, each containing five gallons, of tomato pulp, consigned by the Houghland Bros. Canning Co., Underwood, Ind., remaining unsold in the original unbroken packages at Philadelphia, Pa., alleging that the product had been shipped, on or about December 15, 28, and 30, 1915, and transported from the State of Indiana into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed vegetable substance.

On April 1, 1916, Houghland Bros. Canning Co., a corporation, claimant, Underwood, Ind., having consented thereto, judgment of condemnation and forfeiture was entered, and it was ordered by the court that 11 of the cans should be delivered to said claimant upon payment of the costs of the proceedings and the execution of bond in the sum of \$100, in conformity with section 10 of the act, conditioned, among other things, that the same should be relabeled under the supervision of the Chief of the Philadelphia Laboratory of the Bureau of Chemistry of the Department of Agriculture. The remainder of the product was destroyed after having been shown, upon examination, to be adulterated.

CARL VROOMAN, *Acting Secretary of Agriculture.*