

Issued October 31, 1913.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2555.

(Given pursuant to section 4 of the Food and Drugs Act.)

**U. S. v. 24 Cases of Tomato Pulp. Decree of condemnation by default.
Product ordered sold or destroyed.**

ADULTERATION OF TOMATO PULP.

On December 23, 1910, the United States Attorney for the Southern District of Florida, 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 24 cases, each containing 48 cans of tomato pulp, remaining unsold in the original unbroken packages and in possession of the McNerny Grocery Co., Jacksonville, Fla., alleging that the product had been shipped from the State of Maryland into the State of Florida, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: (On cases) "4 doz. No. 1 cans Conqueror Brand Tomato Pulp Chas. G. Summers & Co., Inc., Baltimore, Md." (On cans) "Conqueror Brand Tomato Pulp. Chas. G. Summers & Co. Inc. Baltimore, Md."

Adulteration of the product was alleged in the libel for the reason that it contained mold filaments and yeast fungi to the extent that it was filthy and decomposed.

On April 4, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered that the product should be sold or destroyed by the United States marshal.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *September 4, 1913.*