

On July 30, 1913, 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.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 6, 1914.*

3147. Adulteration of dried apples. U. S. v. 118 Sacks of Dried Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5286. S. No. 1876.)

On July 30, 1913, the United States Attorney for the Southern District of Ohio, 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 118 sacks, each containing approximately 75 pounds of dried apples, remaining unsold in the original unbroken packages and in possession of the Cincinnati Ice Mfg. & Cold Storage Co., as bailee, for the Lippincott Co., Cincinnati, Ohio, alleging that the product had been shipped by Davidson Bros., Glasgow, Ky., to R. A. Holden & Co., Cincinnati, Ohio, and transported from the State of Kentucky into the State of Ohio, and charging adulteration in violation of the Food and Drugs Act. The product was unlabeled except for shipping tags attached to each of the sacks bearing the following inscription: "For R. A. Holden & Co., Cincinnati, Ohio, from Davidson Bros., Incorporated, Wholesale Groceries and Produce, Glasgow, Kentucky."

Adulteration of the product was alleged in the libel for the reason that it contained and consisted of a filthy and decomposed vegetable substance.

On September 10, 1913, no claimant having appeared for the property, an order pro confesso was entered. On November 5, 1913, a formal decree of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 6, 1914.*

3148. Adulteration of tomato pulp. U. S. v. 275 Cases of Tomato Pulp. Consent decree of condemnation and forfeiture. Product ordered destroyed. (F. & D. Nos. 5287, 5289. S. No. 1877.)

On July 30, 1913, the United States Attorney for the Southern District of Ohio, 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 275 cases, each containing 48 cans of tomato pulp, 175 of which cases remained unsold in the original unbroken packages and in possession of A. Janszen & Co., and 100 of said cases in the possession of the Colter Co., both of Cincinnati, Ohio, alleging that the product had been shipped by the Austin Canning Co., Vienna, Ind., and transported from the State of Indiana into the State of Ohio, and consigned to D. McKim-Cooke Co., Cincinnati, Ohio, and charging adulteration in violation of the Food and Drugs Act. The product was labeled on cases and cans: "Scott Co. Brand Whole Tomato Pulp Packed by Austin Canning Co. Austin, Ind. Guaranteed by Austin Canning Company under the Food and Drugs Act, June 30, 1906. This Tomato Pulp is especially made for home use as a condiment with Macaroni or Tomato Soup and as a sauce for Roasts and Stews."

Adulteration of the product was alleged in the libel for the reason that it contained and consisted of a filthy and decomposed vegetable substance.

On November 15, 1913, the said Austin Canning Co., claimant, having filed its answer admitting the facts set forth in the libel, and consenting to a decree,