

**3535. Adulteration of tomato catsup. U. S. v. 50 Barrels, More or Less, of Catsup. Tried to the court. Decree of condemnation, forfeiture, and destruction.** (F. & D. No. 5492. I. S. No. 6528-h. S. No. 1999.)

On December 19, 1913, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel and, during February, 1914, an amended libel, for the seizure and condemnation of 50 barrels, more or less, of tomato catsup, remaining unsold in the original unbroken packages at New Orleans, La., alleging that the product had been shipped on or about October 14, 1913, and transported from the State of Kentucky into the State of Louisiana, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "Kentucky Belle Tomato [design of a large, red, ripe tomato] Catsup Contains 1/10 of 1% Benzoate of Soda Price and Lucas Cider and Vinegar Co. Inc. Louisville, Kentucky. Guaranteed Serial No. 3390."

It was alleged in the libel and amended libel that the product was in a state of decomposition and consisted in part of a decomposed vegetable substance and was adulterated within the meaning and intent of the Food and Drugs Act, and especially of paragraph 6 of section 7 thereof, and was subject to seizure, condemnation, and destruction.

On July 2, 1914, the Horseshoe Pickle Works (Ltd.), New Orleans, La., claimant, having filed its answer and the court having heard the pleadings and the evidence, judgment of condemnation and forfeiture was entered and it was ordered that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *January 13, 1915.*