

3726. Adulteration of tomato pulp. U. S. v. 169 Cases of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5938. I. S. No. 12001-k. S No. C-88.)

On September 22, 1914, 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 169 cases, each containing 4 dozen cans of tomato pulp, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the product had been shipped on or about September 2, 1914, and transported from the State of Indiana into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "Dixie Brand Tomato Pulp for Soup Made from Tomatoes, Pieces of Tomatoes, and Tomato Trimmings. Try a can of our Hominy, Kraut, Tomatoes, Pumpkin, Red Kidney Beans, and Beans with Pork. Why not order a dozen, you'll need them soon. Made from Tomatoes, Pieces of Tomatoes and Tomato Trimmings. Quality Higher than Price. Contents 10 oz. Dixie Brand Tomato Pulp Made from Tomatoes, Pieces of Tomatoes and Tomato Trimmings. Packed by The Rider Packing Co. Inc. Successors to The Farmers Canning Co. Crothersville, Ind. Guaranteed by The Rider Packing Co. under the Food and Drugs Act, June 30, 1906. U. S. Serial No. 9203."

Adulteration of the product was alleged in the libel for the reason that it contained a large number of bacteria, to wit, 97,000,000 bacteria per cubic centimeter, and a large number of yeasts and spores—to wit, 17 yeasts and spores per 1/60 cubic millimeter—and that 77 per cent of the fields examined contained molds, and said product consisted in whole or in large part of a filthy, decomposed, and putrid vegetable substance and was of a deleterious character ¹ and unfit for use as food within the meaning of said act of Congress.

On November 19, 1914, 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.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *April 24, 1915.*

¹ When this case was reported for action, seizure of the product was not recommended by this department on the ground that it was "of a deleterious character."