

4002. Adulteration of tomato puree or pulp. U. S. \* \* \* v. 45 Cases \* \* \* of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6385. I. S. No. 11653-k. S. No. C-185.)

On March 19, 1915, 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 45 cases, each containing 48 cans of tomato pulp, remaining unsold in the original unbroken packages at Cincinnati, Ohio, alleging that the product had been shipped 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 labeled: (On cases) "4 Doz. No. 1 Blue Grass Tomato Pulp—Louis Stein Co., Cincinnati, O." (On cans) "Tomato Puree or Pulp—This package contains ripe tomato juice, condensed, especially suited for dressing fish, oysters, meats, etc. Adapted to the making of home made catsup \* \* \* Contents about 9 ozs. Blue Grass Brand Trade Mark—Blue Grass Canning Co. Owensboro, Ky., U. S. A."

It was alleged in the libel that the article was adulterated within the meaning of the Food and Drugs Act in that said article of food contained and in part consisted of a decomposed vegetable substance.

On May 8, 1915, 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.

C. F. MARVIN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 19, 1915.*