

**4239. Adulteration of tomato conserve. U. S. \* \* \* v. 9 Cases of Tomato Conserve. Default decree of condemnation, forfeiture, and destruction.** (F. & D. Nos. 6533, 6534. I. S. Nos. 768-k, 770-k. S. No. E-266.)

On May 10, 1915, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information for the seizure and condemnation of 9 cases of tomato conserve, remaining unsold in the original unbroken packages at Boston, Mass., alleging that the product had been shipped and transported from the State of New York into the State of Massachusetts, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel of information for the reason that the same consisted in part of a filthy, putrid, and decomposed vegetable substance.

On June 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.

(The report of this department, upon which the proceedings in this case were based, did not include a finding that the article consisted of a putrid substance.)

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