

4664. Adulteration of tomato paste. U. S. * * * v. 30 Cases of Tomato Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7061. I. S. No. 2037-1. S. No. E-482.)

On November 22, 1915, the United States attorney for the Southern District of New York, 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 30 cases, each containing 60 cans, of tomato paste, consigned by Luigi Vecchi, Hazlet, N. J., and remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped and transported from the State of New Jersey into the State of New York, the shipment having been received on or about October 29, 1915, and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "Parma Brand Conserva di Pomodoro Tomato Paste. This is the first concentrated tomato paste made in America—Best in the World. Parma. Luigi Vecchi Inc. New York. Factory Hazlet, N. J. Contents 15 oz. net. Guaranteed by Luigi Vecchi, Inc. Under the Food & Drugs Act, June 30, 1906. Serial No. 44720."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance, to wit, decayed and moldy tomato paste.

On December 15, 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.

CARL VROOMAN, *Acting Secretary of Agriculture.*