

**5694. Adulteration of tomato paste. U. S. \* \* \* v. 60 Cases \* \* \* of Tomato Paste. Consent decree of condemnation, forfeiture, and destruction. Judgment for costs entered. (F. & D. No. 7796. I. S. No. 1819-m. S. No. E-717.)**

On October 25, 1916, 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 60 cases, each containing 100 cans of tomato paste, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped on or about September 29, 1916, by the G. J. Biondi Co., Inc., Cliffwood, N. J., and transported from the State of New Jersey into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "Eureka Brand Tomato Paste."

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in particular, wholly or in part, of a decomposed vegetable substance.

On July 6, 1917, G. J. Biondi, Cliffwood, N. J., claimant, having consented to a decree, 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 and that judgment be entered against said claimant for the costs of the proceedings.

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