

6072. Adulteration and misbranding of tomato pulp. U. S. * * * v. 100 Cases * * * of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 8681. I. S. No. 2949-p. S. No. E-951.)

On December 17, 1917, the United States attorney for the Eastern District of Pennsylvania, 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 100 cases, each containing 48 cans of tomato pulp, consigned by Roberts Bros., Baltimore, Md., remaining unsold in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped on or about November 22, 1917, and transported from the State of Maryland into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The shipping cases were labeled in part, "4 Dozen Cans 10 Oz. each * * * Big R Brand."

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

Misbranding of the article was alleged for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, and numerical count; and further, in substance, in that the label of the article bore the statement, "10 Oz.," regarding the article and the ingredients and substances contained therein, which was false and misleading in that it indicated to the purchaser that each of the packages contained 10 ounces of tomato pulp, when, in fact, they did not.

On January 9, 1918, 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.*