

6489. Adulteration of tomato sauce. U. S. * * * v. 500 Cases * * * of Tomato Sauce. Consent decree of condemnation and forfeiture. Good portion ordered released. Unfit portion ordered destroyed. (F. & D. No. 8844. I. S. No. 11733-p. S. No. C-834.)

On March 6, 1918, the United States attorney for the Northern District of Illinois, 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 500 cases, each containing 200 cans of tomato sauce, at Chicago, Ill., alleging that the article had been shipped on November 10, 1917, by the Burt Olney Canning Co., Betterton, Md., and transported from the State of Maryland into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

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

On September 30, 1918, Norman J. Gerber and Jay J. Gerber, copartners, doing business as R. Gerber & Co., Chicago, Ill., claimants, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sorted under the supervision of a representative of this department, the unfit portion to be destroyed by the United States marshal, the good portion to be delivered to said claimants upon the payment of the costs of the proceedings.

J. R. Riags, Acting Secretary of Agriculture.