

factured on the premises, 420 East Fifty-third street, New York City. After the purchase of the said samples the labels on the bottles in this shipment were examined in the Bureau of Chemistry of the United States Department of Agriculture, and as a result of this examination, taken in connection with report of the inspector, it was apparent that the water was misbranded in that the principal label (both written matter and picture) imported that the water was from a natural source of foreign origin—which was untrue—and that the small supplemental label which was attached did not correct the principal label sufficiently to obviate the false and misleading statements on the principal label.

Accordingly, on the 16th day of November, 1908, in compliance with the provisions of section 4 of the act, the Secretary of Agriculture accorded the manufacturers a hearing, but as no evidence was submitted to show any fault or error in the result of the examination of said water, the facts were duly reported to the Attorney-General and the case referred to the United States attorney for the southern district of New York, who filed an information against the said Charles Meisezahl and John Meisezahl and the Charles Meisezahl Manufacturing Company, with the result hereinbefore stated.

F. L. DUNLAP,

GEO. P. McCABE,

Board of Food and Drug Inspection.

Approved:

JAMES WILSON,

Secretary of Agriculture.

WASHINGTON, D. C., *June 16, 1909.*

(N. J. 79.)

MISBRANDING OF TOMATO CATSUP.

(AS TO PRESENCE OF SCREENINGS AND WASTE.)

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given of the judgment of the court in case of the United States *v.* 650 cases of tomato catsup, a proceeding of libel for seizure and condemnation of said catsup under section 10 of the aforesaid act, lately pending, and finally determined on March 15, 1909, in the district court of the United States for the district of Rhode Island by the entry of a decree of forfeiture, condemnation, and destruction of said catsup. The catsup was labeled "Navy Brand Catsup. Prepared with one-tenth of

1 per cent Benzoate Sodium. Prepared by S. J. Van Lil, Baltimore, Md., U. S. A. Notice: This catsup is superior on account of its Fine Zest and True Tomato Flavor. Made from Choice Ripe Tomatoes, Granulated Sugar, and Selected High Grade Spices, Grain Vinegar," and was misbranded in this: That it had been made from pulp screened from peelings and cores of tomatoes, the waste material from tomato-canning factories, and not from choice, ripe tomatoes as stated on the label. The S. J. Van Lil Company, a corporation of Baltimore, Md., entered its claim to the goods, but not contesting the allegations of the libel, the court, upon consideration of evidence presented by the United States, adjudged the goods adulterated and misbranded and rendered its decree of forfeiture, condemnation, and destruction, in substance and in form as follows:

DISTRICT COURT OF THE UNITED STATES, DISTRICT OF RHODE ISLAND.

UNITED STATES OF AMERICA, <i>Libellant</i> , <i>vs.</i> 650 CASES OF TOMATO CATSUP.	}	Information No. 1127.
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DECREE OF FORFEITURE.

At a stated term of the district court of the United States of America for the district of Rhode Island, held in chambers in the Federal building in the city of Providence on Monday, the fifteenth day of March, in the year of our Lord one thousand nine hundred and nine.

Present: The honorable ARTHUR L. BROWN, *District Judge*.

The above entitled cause coming on to be heard on motion of Charles A. Wilson, United States attorney for the district of Rhode Island, for a decree of forfeiture of the merchandise set forth in said information, to wit, 650 cases of tomato catsup, for the reason that the same was, in violation of an act of Congress of the United States, entitled, "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded and poisonous or deleterious foods, drugs and medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, misbranded and subject to forfeiture and destruction;

And upon proof of such misbranding—the claimant being in default—the same is hereby adjudged to be forfeited to the United States.

And it is hereby further ordered that the United States marshal destroy said 650 cases of tomato catsup.

In accordance with the provisions in the decree the catsup was destroyed by the United States marshal on March 18, 1909.

The facts in the case were as follows:

On or about September 28, 1908, an inspector of the Department of Agriculture located in Baltimore, Md., a consignment of 650 cases of catsup aboard the steamer *Howard* of the Merchants and Miners' Transportation Company. The catsup had been delivered for shipment by the S. J. Van Lil Company, of Baltimore, Md., to S. J.

Van Lil, Lowell, Mass., with instructions to notify Coffee Brothers. Later the consignment was located by the inspector in Providence, R. I. The cases were labeled "Navy Brand Catsup. Prepared with one-tenth of 1 per cent Benzoate Sodium. Prepared by S. J. Van Lil, Baltimore, Md., U. S. A. Notice: This catsup is superior on account of its Fine Zest and True Tomato Flavor. Made from Choice Ripe Tomatoes, Granulated Sugar, and Selected High Grade Spices, Grain Vinegar." Previous inspections of the factory of the S. J. Van Lil Company in Baltimore made by the inspectors of the Department of Agriculture disclosed that the materials used in the manufacture of catsup there consisted in part of waste material of canning factories—i. e., tomato pulp screened from peelings and cores of tomatoes. Samples of catsup taken from the consignment seized were subjected to analysis in the Bureau of Chemistry, Department of Agriculture, and found to be of the above description, possessing an offensive odor.

In the opinion of the Department of Agriculture catchup (ketchup, catsup) is the clean, sound product made from the properly prepared pulp of clean, sound, fresh, ripe tomatoes, with spices and with or without sugar and vinegar.

It was apparent that the product was misbranded within the meaning of section 8 of the act. Accordingly, on September 29, 1908, the facts were reported by the Secretary of Agriculture to the United States attorney for the district of Rhode Island and libel for seizure and condemnation was duly filed, with the result hereinbefore stated.

F. L. DUNLAP,
GEO. P. McCABE,

Board of Food and Drug Inspection.

Approved:

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *June 16, 1909.*

(N. J. 80.)

(MISBRANDING OF SALAD OIL.)

(AS TO ORIGIN.)

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given that on the 26th day of March, 1909, in the circuit court of the United States for the southern district of New York. in a prosecution by the United