

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1085.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF TOMATO CATSUP.

In October, 1910, the United States Attorney for the Eastern District of Missouri, acting upon the report of the Secretary of Agriculture, filed in the District Court of the United States for said district two libels praying condemnation and forfeiture of 100 cases and 15 barrels, respectively, of tomato catsup, in the possession of Gildehaus-Wulfing & Co., St. Louis, Mo. The product was labeled, "Oyster Bay Brand Tomato Ketchup, Free from any artificial coloring, preserved with 1/10 of 1% benzoate of soda, packed for Gildehaus-Wulfing & Co., St. Louis, Mo."

Examination of samples of this product, made by the Bureau of Chemistry of the United States Department of Agriculture, showed it to contain 100 million bacteria per cc., 71 yeasts and spores per one-sixtieth cmm., with mold filaments in 75 per cent of the microscopic fields examined. The libels alleged that the tomato catsup, after transportation from the State of Ohio into the State of Missouri, remained in the original unbroken packages, and was adulterated in violation of the Food and Drugs Act of June 30, 1906, because it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On April 3, 1911, the cause came on to be heard and the court issued its decree, finding 78 cases and 6 barrels of the product, the same being all that was found at the time of seizure, to be adulterated, as charged in the above libels and ordering the destruction of said product.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *August 24, 1911.*

