

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 760, FOOD AND DRUGS ACT.

ADULTERATION OF TOMATO CATSUP.

On or about September 19, 1910, A. C. Soper & Co., Farmingdale, N. J., shipped from the State of New Jersey into the State of New York two barrels of tomato catsup labeled as follows: "L. C. Soper and Company—Long Island Brand Ketchup—Made from tomato pulp, spices, flour, salt—Preserved with approximately $\frac{1}{5}$ of 1% Benzoate of Soda. New York." An examination made by the Bureau of Chemistry, United States Department of Agriculture, of samples taken from the above shipment showed the product to contain 180,000,000 bacteria per cubic centimeter, 107 yeast and spores per one-sixtieth cubic millimeter, and mold filaments in 75 per cent of the microscopic fields examined. As it appeared from the above examination and report made that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, and liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Southern District of New York.

In due course a libel was filed against the said two barrels of catsup in the District Court of the United States for said district charging the above shipment and alleging that the product so shipped was adulterated within the meaning of the act in that said catsup consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance, and praying seizure and condemnation of the product.

On November 30, 1910, the case came on for hearing and no claimant to the product having appeared and no answer having been filed, the court being fully informed in the premises issued its decree condemning and forfeiting the said two barrels of catsup to the use of the United States for the causes set forth in the above libel, and ordering the destruction thereof by the marshal of said district.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *February 7, 1911.*

