

# United States Department of Agriculture,

## OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 763, FOOD AND DRUGS ACT.

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#### ADULTERATION OF TOMATO CATSUP.

On or about October 26, 1910, R. C. Chance's Sons, Mount Holly, N. J., shipped from the State of New Jersey into the State of New York ten barrels of tomato catsup, three of which barrels were labeled: "Bon Ton Catsup—Compound of Tomato Pulp, Saccharine and Spices—Preserved with Benzoate of Sodium—Manufactured by R. C. Chance's Sons, Mount Holly, N. J.—Preserved with about  $\frac{1}{3}$  of 1% Benzoate of Sodium—Trace of Coal Tar Coloring," and seven of which were labeled: "Spiced Catsup—Compound of Tomato Pulp, Saccharine and Spices—Preserved with Benzoate of Sodium—Manufactured by R. C. Chance's Sons, Mt. Holly, N. J.—Preserved with about  $\frac{1}{3}$  of 1% Benzoate of Sodium—Trace of Coal Tar Coloring." An examination made by the Bureau of Chemistry, United States Department of Agriculture, of samples taken from the above shipment showed the product contained in the three barrels above referred to to contain 177,000,000 bacteria per cubic centimeter, 85 yeasts and spores per one-sixtieth cubic millimeter, and mold filaments in 81 per cent of the microscopic fields examined, and the product contained in the seven barrels above referred to to contain 216,000,000 bacteria per cubic centimeter, 70 yeasts and spores per one-sixtieth cubic millimeter, and mold filaments in 82 per cent of the microscopic fields examined. As it appeared from the above examinations and reports made that the product was adulterated 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 in the District Court of the United States for said district against the said ten barrels of catsup, charging the above shipment and alleging that the product so shipped was adulterated in that it was artificially colored in such a manner that the inferiority and damage of the said catsup was concealed and in that it consisted in whole or in part of a filthy, putrid, and decomposed substance, and praying seizure and condemnation of the product.

On November 30, 1910, the cause 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 ten 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 for 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 9, 1911.*

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