

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 827, FOOD AND DRUGS ACT.

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### ADULTERATION AND MISBRANDING OF TOMATO CATSUP.

On or about June 30, 1910, the Pacific Vinegar and Pickle Works shipped from the State of California into the State of Washington 62 barrels of a food product labeled: "Contains  $\frac{1}{10}$  of 1% of benzoate of soda. Artificially colored. Artificial filler. S. & P. S. P. Company, Seattle," said product being invoiced and sold as tomato catsup. Examination of samples of this product made by the Bureau of Chemistry, United States Department of Agriculture, showed it to contain yeasts and spores at the rate of 37 per one-sixtieth cmm., bacteria about 120,000,000 per cc., with molds present in two-thirds of the microscopic fields examined, and thus to be adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Western District of Washington.

In due course a libel was filed in the District Court of the United States for said district against said 62 barrels of catsup charging the above shipment and alleging that the product so shipped was adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid animal or vegetable substance, and alleging that the said product was misbranded in that the general appearance of said label and design gave the impression and was designed to give the impression that said product was pure and of pure vegetable substance, when in truth and in fact said product was not pure and did not consist wholly of the substances specified in said label, and praying seizure, condemnation, and forfeiture of the product.

The case came on for hearing on December 19, 1910, and the Seattle and Puget Sound Packing Company appeared as claimant by its attor-

neys, and the court having heard arguments of counsel and being in all things fully advised issued its decree finding the product to be adulterated and misbranded within the meaning of the act of June 30, 1906, as alleged in said libel and ordering the destruction of the product 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., *March 31, 1911.*

