

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 886, FOOD AND DRUGS ACT.

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### ADULTERATION OF TOMATO CATSUP.

On or about November 19, 1910, The McMechen Preserving Company, Wheeling, W. Va., shipped from the State of West Virginia into the State of Massachusetts a consignment of 301 cases of tomato catsup, each of said cases being labeled: "1910 2 doz. No. 14 Mayflower Brand Tomato Catsup. 1/10 of 1 per cent benzoate of soda. Packed for C. B. Smith Bros., Boston, Mass." Samples of this product were procured and examined by the Bureau of Chemistry, United States Department of Agriculture, and it was found to contain yeast and spores 110 per one-sixtieth cmm., bacteria 260,000,000 per cc., with mold filaments present in 66 per cent of the microscopical fields examined. As the findings of the analyst and report thereon indicated 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 District of Massachusetts.

On December 9, 1910, a libel was filed in the District Court of the United States for said district against the said 301 cases of tomato catsup, charging the above shipment and alleging that the product so shipped was adulterated, in that it consisted in part of filthy, decomposed, and putrid animal or vegetable substance, and praying seizure, condemnation, and forfeiture of the product.

On February 21, 1911, the case came on for hearing, and no claimant to the product having appeared or answer having been filed to the allegations of the above libel, the court, being fully informed in the premises, issued its decree condemning and forfeiting the product to the use of the United States for the cause 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., *May 16, 1911.*

