

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 921, FOOD AND DRUGS ACT.

ADULTERATION OF TOMATO CATSUP.

On or about November 13, 1909, Robert Cuddihy, Henry B. Corey, and the Farmers' Loan and Trust Company, doing business under the firm name of Alart & McGuire, New York City, shipped from the State of New York into the State of Louisiana a quantity of a food product labeled: "Extra Special O. K. Catsup—48—Alart & McGuire, N. Y., P. B. C. This Catsup is made from tomatoes, is free from coloring and is preserved with benzoate of soda, one-tenth of one per cent." On or about March 4, 1910, the same firm shipped from the State of New York into the State of Louisiana another consignment of catsup, part of which was labeled: "Extra spiced O. K. Catsup—Alart & McGuire, N. Y.—1/10 of 1% benz. of soda used as preservative W. 1"; and part; "Hottentot Catsup. Only the purest of ingredients used in this mixture absolutely guaranteed—Serial No. 1281. Packed by Alart and McGuire, New York." Samples from these shipments were procured, analyzed, and examined microscopically by the Bureau of Chemistry, United States Department of Agriculture, and the product bearing the first of the above labels was found to contain yeasts and spores 60 per one-sixtieth cmm, bacteria estimated at not less than 75,000,000 per cc, with abundant molds and some decayed tissue; the product bearing the second label was found to contain yeasts and spores 100 per one-sixtieth cmm, bacteria estimated at not less than 85,000,000 per cc, and abundant molds; while the product bearing the last of the above labels was found to contain yeasts and spores 90 per one-sixtieth cmm, bacteria estimated at not less than 80,000,000 per cc, with abundant molds. As the findings of the analyst and report thereon indicated that the above product was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, the said firm of Alart & McGuire and the parties from whom the samples were procured were afforded opportunities for hearings. As it appeared after hearings held that the above shipments were made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the Circuit Court of the United States for the Southern District of New York against the said Robert Cuddihy, Henry B. Corey, and Farmers' Loan and Trust Company, charging the above shipments and alleging that the catsup so shipped was adulterated because it consisted in part of a filthy, decomposed, and putrid animal or vegetable substance.

On March 15, 1911, the defendants entered a plea of guilty to the above information, whereupon the court imposed a fine of \$100.

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

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *May 26, 1911.*

