

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 947, FOOD AND DRUGS ACT.

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### ADULTERATION OF TOMATO KETCHUP.

During the month of November, 1910, there were shipped from the city of Philadelphia, Pa., to the city of Baltimore, Md., 18 barrels of ketchup labeled "The Pulp used in this Ketchup was made in a clean factory from Tomato cuttings. Preserved with about  $\frac{2}{3}$  of 1 per cent Benzoate of Soda." Samples from this shipment were procured, analyzed, and examined microscopically by the Bureau of Chemistry, United States Department of Agriculture, and the product was found to contain bacteria estimated at 80,000,000 per cc., yeasts and spores, 87 per one-sixtieth cmm., with mold filaments present in 85 per cent of the microscopic fields examined. As it appeared from the findings of the analyst and report thereon that the product was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture reported the facts to the United States attorney for the District of Maryland.

On December 15, 1910, a libel was filed in the District Court of the United States for said district against the said 18 barrels of ketchup, charging the above shipment and alleging that the product so shipped was adulterated because it consisted in part of filthy and decomposed tomatoes, and praying seizure, condemnation, and forfeiture of the product.

On February 28, 1911, the cause came on for hearing and no claimant to the above product having appeared or answer to the allegations of the above libel having been filed, the court, being fully informed in the premises, issued its decree finding the product to be adulterated as charged in said libel, condemning and forfeiting the same to the use of the United States, and ordering its destruction by the marshal of said district.

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., *June 10, 1911.*