

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 955, FOOD AND DRUGS ACT.

ADULTERATION OF TOMATO CATSUP.

On or about October 20, 1910, the American Preserve Company, Philadelphia, Pa., shipped from the State of Pennsylvania into the State of Maryland 4 barrels of a food product labeled: "Oriole Brand Catsup. Ingredients, tomato pulp, sugar, vinegar, onions, salt, spices, cereals. Preserved with 1/10 of 1 per cent benzoate soda. The American Preserve Co., Philadelphia, Pa." A sample from this shipment was procured, analyzed, and examined microscopically by the Bureau of Chemistry, United States Department of Agriculture, and the product was found to contain 300,000,000 bacteria per cc, yeasts and spores 50 per one-sixtieth cmm, with mold filaments present in 95 per cent of the microscopic fields examined, and, in addition, numerous sand particles and some added cereal. 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 was 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 Maryland.

On October 27, 1910, a libel was filed in the District Court of the United States for said district against the said 4 barrels of catsup, charging the above shipment and alleging that the product so shipped was adulterated because sand had been mixed with the product so as to reduce and lower its quality and strength, and because the product consisted in part of filthy and decomposed tomatoes, and praying seizure, condemnation, and forfeiture of the product.

On December 19, 1910, the cause came on for hearing, and there being no appearance on the part of any claimant to the product and no 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 causes alleged in said libel, and the next day the court ordered 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.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *June 13, 1911.*

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