

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 992.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION OF TOMATO CATSUP.

On September 29, 1910, the United States Attorney for the Western District of Kentucky, acting upon the report by the Secretary of Agriculture, filed a libel for seizure and condemnation in the District Court of the United States against 75 barrels of tomato catsup, each containing eight dozen bottles of the product, in possession of J. Zinsmeister & Bro., Louisville, Ky., alleging that the product had been transported, on or about December 10, 1909, from the State of West Virginia into the State of Kentucky, duly consigned by the McMechen Preserving Co., Wheeling, W. Va., and charging adulteration in violation of the Food and Drugs Act. Each bottle of this product was branded: "Fort Nelson Brand Tomato Catsup—Home Made—Made from whole tomatoes, granulated sugar, salt, onions, pure spices, grain vinegar, and prepared with 1/10 of 1% benzoate of soda—Packed for J. Zinsmeister & Bro., Louisville, Ky."

Analysis of samples of this product by the Bureau of Chemistry of this Department showed it to contain 70,000,000 bacteria per cc., and 350 yeast spores per one-sixtieth cmm. Mold filaments were also found in 80 per cent of fields examined. Adulteration was therefore charged for the reason that the contents of said bottles consisted in part of a filthy, decomposed, and putrid vegetable substance.

On March 4, 1911, the claim of J. Zinsmeister & Bro. was filed, a judgment of condemnation entered, and after payment of the costs by the claimant and the tendering by him of a bond in conformity to section 10 of the act, the goods were ordered released and delivered to him.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *June 27, 1911.*

