

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1072.

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

ADULTERATION OF TOMATO CATSUP.

On March 1, 1911, the United States Attorney for the Western Division of the Western District of Tennessee, acting upon the report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of three barrels of tomato catsup found on the premises at 122 Madison Avenue, Memphis, Tenn.

Examination of samples of said consignment by the Bureau of Chemistry, United States Department of Agriculture, showed them to contain yeasts and spores 130 per one-sixtieth cmm., bacteria 130,000,000 per cc., and mold filaments in 73 per cent of fields. The libel alleged that the tomato catsup, after shipment by Dodson Braun Branch, National Pickle & Canning Co., St. Louis, Mo., from the State of Missouri into the State of Tennessee, remained in the original unbroken packages and was adulterated in violation of the Food and Drugs Act of June 30, 1906, because it consisted in part of a filthy, decomposed, and putrid vegetable substance, and was, therefore, liable to seizure for confiscation.

On May 25, 1911, the court found said product to contain putrid and decomposed matter and to be, therefore, adulterated as charged in the libel, and held that the United States was entitled to a decree of condemnation as prayed in the libel. Accordingly, a decree was entered on said date condemning and forfeiting the goods to the United States and ordering their destruction by the marshal.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *August 17, 1911.*