

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1175.

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

ADULTERATION OF TOMATO CATSUP.

On December 17, 1910, the United States Attorney for the Eastern District of Missouri, acting upon a 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 557 cases of tomato catsup in the possession of the Scudders Gale Grocer Co., St. Louis, Mo. Two hundred and fifty-seven cases were labeled as follows: "4 Doz. 8 oz. Owl Catsup Scudders Gale G. Co., St. Louis." Each bottle was labeled: "Owl Brand Tomato Catsup—put up for the Scudders Gale Grocery Co., St. Louis, Mo.—Prepared with 1/10 of 1% Benzoate of Soda." One hundred cases were labeled as follows: (On case) "2 Doz. 16 Oz. Buffalo Catsup—Scudders-Gale G. Co., St. Louis." (On bottles) "Buffalo Brand Tomato Catsup. Warranted first-class. Not artificially colored. Prepared from fresh, ripe tomatoes. Put up for the Scudders-Gale Grocer Co., St. Louis, Missouri, U. S. A." Two hundred cases of said catsup were labeled as follows: (On case) "2 doz. 14 oz. Owl Catsup. Scudders-Gale G. Co., St. Louis." (On bottles) "Owl Brand Tomato Catsup. Put up for the Scudders-Gale Grocer Co., St. Louis, Mo. Prepared with 1/10 of one per cent Benzoate of Soda." Official samples from the first lot were collected and designated: First lot, I. S. No. 2300-c; second lot, I. S. No. 2284-c and 2285-c; and third lot, I. S. No. 2286-c and 2287-c.

Examination of these samples was made by the Bureau of Chemistry of the United States Department of Agriculture with the following results: Sample I. S. 2300-c: Yeasts and spores 87 per one-

sixtieth cubic millimeter; bacteria 190 million per cubic centimeter; mold filaments present in 78 per cent of the fields. Sample I. S. 2284-c: Yeasts and spores, 100 per one-sixtieth cubic millimeter; bacteria 100 million per cubic centimeter; mold filaments present in 90 per cent of the fields. Sample I. S. 2285-c: Yeast and spores 95 per one-sixtieth cubic millimeter; bacteria, 72 million per cubic centimeter; mold filaments in 85 per cent of the fields. Sample I. S. 2286-c: Yeast and spores 72 per one-sixtieth cubic millimeter; bacteria, 120 million per cubic centimeter; mold filaments present in 60 per cent of the fields. Sample I. S. 2287-c: Yeast and spores 62 per one-sixtieth cubic millimeter; bacteria, 96 million per cubic centimeter; mold filaments present in 75 per cent of the fields. The libel alleged that the tomato catsup, after shipment by the Frazier Packing Co., Elwood, Ind., from the State of Indiana into the State of Missouri, 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 whole or in part of a filthy, putrid, or decomposed vegetable substance, and was therefore liable to seizure for confiscation.

On March 6, 1911, the case coming on to be heard, and no answer being filed, and no person appearing as claimant, the court found the product adulterated as alleged in the libel, and that the United States was entitled to a decree of condemnation as prayed for. Accordingly a decree was entered, condemning and forfeiting the goods to the United States, and ordering their destruction by the marshal.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *October 23, 1911.*

