

Issued January 25, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1227.

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

ADULTERATION OF TOMATO PASTE.

On September 7, 1911, the United States Attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed information in the District Court of the United States for said district against Samuel L. Kelty, alleging shipment by him, in violation of the Food and Drugs Act, on or about November 26, 1910, from the State of New Jersey into the State of Pennsylvania, of a quantity of tomato paste which was adulterated. The product was labeled: "Defy-the-World Brand Tomato Paste Rossa (Directions) Packed by Sam'l L. Kelty, Quinton, N. J. Direzione * * * Puro Pomodoro."

Analysis of a sample of said product, made by the Bureau of Chemistry, United States Department of Agriculture, showed the following results: Offensive odor when opened. Yeasts and spores 120 per one-sixtieth cmm. Bacteria 115,000,000 per cc. Molds in 64 per cent of the fields. Organisms per cc. developing after three days on dextrose plain agar, portion 1, at 25° C., 370,000; portion 2, 390,000; on wort agar, portion 1, 330,000; portion 2, 130,000. Dextrose fermentation tubes after three days at 37° C. gas in portion 1, 0.01 cc., 0.001 cc., 0.0001 cc., 0.00001 cc. Gas-producing organisms present in dextrose fermentation tubes after three days at 37° C. in portion 2, 0.01 cc., 0.001 cc., 0.0001 cc. Flora; mostly bacteria, many yeasts, no molds. Adulteration was alleged for the reason that said product consisted in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance.

On October 2, 1911, the defendant entered a plea of non-vult, and sentence was suspended by the court.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *December 1, 1911.*