

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 1396.

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

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### ADULTERATION OF TOMATO PULP.

On November 17, 1911, the United States Attorney for the Eastern District of New York, 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 400 cases of tomato pulp owned by the United Grocers Co. The product was labeled: "Emerson Brand Tomato Pulp." There were two consignments of 200 cases each.

Samples from each consignment, numbered I. S. No. 13157-d and 13158-d, respectively, were examined by the Bureau of Chemistry of the United States Department of Agriculture, with the following results: (I. S. No. 13157-d) Yeasts and spores, 35 per one-sixtieth cubic millimeter; bacteria, 22,000,000 per cubic centimeter; mold filaments in 88 per cent of the fields. (I. S. No. 13158-d) Yeasts and spores, 60 per one-sixtieth cubic millimeter; bacteria, 46,000,000 per cubic centimeter; mold filaments in 75 per cent of the fields. The libel alleged that the product, after shipment by B. S. Ayers & Sons Co., of Bridgeton, N. J., from the State of New Jersey into the State of New York, 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, decomposed, and putrid vegetable substance, and was therefore liable to seizure for confiscation.

On December 13, 1911, the case coming on for hearing and no one having appeared as claimant and filed answer, and it further appearing to the court that the marshal had seized 95 cases of said product, the court found the product adulterated, as alleged in the libel, and entered a decree condemning and forfeiting it to the United States and ordering its destruction.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *February 6, 1912.*

