

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 2602.

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

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**U. S. v. Clark W. Earll. Plea of guilty. Fine, \$100 and costs.**

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### ADULTERATION OF TOMATO CATSUP.

On March 13, 1913, the United States Attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Clark W. Earll, doing business under the name of Earll Manufacturing Co., Kansas City, Mo., alleging shipment by said defendant, in violation of the Food and Drugs Act, on February 27, 1912, from the State of Missouri into the State of Kansas, of a quantity of tomato catsup which was adulterated. The product was labeled: "Earll's Tomato Catsup Contains 1-10 of 1 per cent Benzoate of Soda. Earll Mfg. Co., Kansas City, Mo."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Said sample contains the following number of organisms approximately: Mold filaments present in 38 per cent of all microscopic fields examined; yeast and spores, about 100 per one-sixtieth cubic millimeter, and bacteria about 300,000,000 per cubic centimeter. Sample is too high in bacteria and yeasts. Adulteration of the product was alleged in the information for the reason that it consisted in whole or in part of a decomposed and putrid vegetable substance, said product containing mold filaments and also yeasts and spores about 100 per one-sixtieth millimeter, and also containing about 300,000,000 bacteria per cubic centimeter.

On April 3, 1913, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$100 and costs.

B. T. GALLOWAY,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *September 18, 1913.*