

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 388, FOOD AND DRUGS ACT.

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### ADULTERATION AND MISBRANDING OF TOMATO CATSUP.

On or about July 3, 1909, the Squire-Dingee Company, of Chicago, Ill., shipped from the State of Illinois to the State of Nebraska a consignment of a food product each cask of which was labeled "50 Squire Tomato Catsup Prepared with 1/10 of 1 per cent Benzoate of Soda. Squire-Dingee Company, Chicago." Samples of this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as it appeared from the findings of the analyst and report made that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the Squire-Dingee Company, and the dealer from whom the samples were procured, opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Northern District of Illinois charging the above shipment and alleging that the product was adulterated, in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance which rendered the article unfit for food, and was misbranded, in that it was labeled "Tomato Catsup Prepared with 1/10 of 1 per cent. Benzoate of Soda," which statement was false, misleading, and deceptive, and calculated to mislead and deceive the purchaser into the belief that the product was a catsup

prepared from clean, sound pulp of fresh, ripe tomatoes, whereas, in fact, it was not prepared as aforesaid, but contained filthy, decomposed, and putrid vegetable substances and a large number of bacteria and molds which rendered it unfit for food.

On April 15, 1910, the defendant entered a plea of guilty and the court imposed upon it a fine of \$50.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *May 23, 1910.*

