

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 604, FOOD AND DRUGS ACT.

ADULTERATION AND MISBRANDING OF TOMATO CATSUP.

On or about October 20, 1909, the J. Weller Company, a corporation, Cincinnati, Ohio, shipped from the State of Ohio to the State of Iowa 100 cases of 10-ounce bottles of an article of food, each of which bottles was labeled: "Pure gold brand tomato catsup, manufactured by the J. Weller Company, Cincinnati, Ohio, prepared with one-tenth of one per cent of benzoate of soda." Samples from this shipment were procured and analyzed in the Bureau of Chemistry, United States Department of Agriculture, and as it appeared from the findings of the analyst and report thereon 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 said J. Weller Company and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that 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 Southern District of Ohio against the said J. Weller Company, charging the above shipment and alleging the product so shipped to be adulterated, in that it consisted in part of a decomposed and putrid vegetable substance, and further alleging the product to be misbranded, in that the label above set forth contained a false, misleading, and deceptive statement regarding said article of food, to wit, "pure gold brand tomato catsup," when in truth and in fact said article was not pure tomato catsup, but contained in part a putrid and decomposed vegetable substance.

On August 10, 1910, the defendant appeared by H. E. Cree, its vice-president, and entered a plea of guilty to the above information and the court imposed a fine of \$15 and costs.

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

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *September 10, 1910.*

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