

Issued February 14, 1911.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 717, FOOD AND DRUGS ACT.

ADULTERATION OF TOMATO PULP.

On or about October 7, 1910, the Hearn Company, Cambridge, Md., shipped from the State of Maryland into the State of Pennsylvania ten barrels of tomato pulp, labeled: "Tomato Pulp, packed by the Kearns Company, Cambridge, Maryland. This package contains 6 oz. Benzoate of Soda." Examination by the Bureau of Chemistry, United States Department of Agriculture, of samples of this product revealed that it contained 120,000,000 bacteria per cc., 80 yeasts and spores in 1/60 c. m. m. mold filaments in practically every field examined and some fields contained several filaments and in addition gases showing spoilage. As it appeared from the findings of the analyst and report thereon that the product was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, and liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Eastern District of Pennsylvania.

In due course a libel was filed against the said ten barrels of tomato pulp in the District Court of the United States for said district, charging the above shipment and alleging the product so shipped to be adulterated in that the said tomato pulp then and there consisted in whole or in part of a filthy and decomposed vegetable substance. The case came on for hearing and, no claimant having entered appearance, the court being fully informed in the premises, on motion of the libelant, issued its decree finding the said ten barrels of tomato pulp to be adulterated as alleged in said libel and condemning and forfeiting the same to the uses of the United States, and further ordering the destruction of the said ten barrels of tomato pulp by the marshal, which order was forthwith executed.

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., *December 13, 1910.*