

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 781, FOOD AND DRUGS ACT.

ADULTERATION OF TOMATO CATSUP.

On or about October 21, 1910, The Jersey Packing Company, Cincinnati, Ohio, shipped from the State of Ohio to the State of Wisconsin 400 cases and 20 crates labeled: "2 Doz. 14-oz. Sunny Side Tomato Catsup (Guaranteed Clause) Serial No. 4337. The Jersey Packing Company, Cincinnati, O., U. S. A.," each of the bottles and jugs contained in the aforesaid cases and crates bearing the following label: "Trade Mark. Sunny Side Catsup. Guaranteed by the Jersey Packing Company under the Food and Drugs Act, June 30, 1906, Serial No. 4337. Not artificially colored. Contains tomatoes, pieces of tomatoes, sugar, salt, vinegar, onions, garlic and spices. Manufactured for the Jersey Packing Co., Cincinnati, U. S. A." Analysis of samples of this product made by the Bureau of Chemistry, United States Department of Agriculture, showed it to contain 40,000,000 bacteria per cc.: 145 yeasts and spores per one sixtieth cmm., with mold filaments in every one of the microscopic fields examined, and thus to be adulterated within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the shipment was 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 Wisconsin.

On October 28, 1910, a libel was filed in the District Court of the United States for said district against said 400 cases and 20 crates of tomato catsup, charging the above shipment and alleging the product so shipped to be adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On December 29, 1910, a stipulation was entered into between the United States and attorneys for the above mentioned Jersey Packing Company, admitting the allegations of the libel above set forth and consenting to the condemnation of the product, whereupon the court, being fully informed in the premises, issued its decree, finding the product to be adulterated as set forth in said libel, and ordering its

destruction by the marshal of said district, which order was forthwith executed, the said Jersey Packing Company being assessed the cost of the proceedings.

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

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *February 17, 1911.*

