

Issued March 31, 1911.

# United States Department of Agriculture,

## OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 801, FOOD AND DRUGS ACT.

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#### ADULTERATION OF TOMATO PASTE.

On or about November 26, 1910, there were shipped from the State of New Jersey to the State of Pennsylvania 20 boxes, each containing twelve 5-pound cans labeled: "Defy-the-World-Brand Tomato Paste—Rossa Directions \* \* \* Packed by Sam'l L. Kelty, Quinton, N. J. Puro pomodoro." Examination of samples of this product, made by the Bureau of Chemistry, United States Department of Agriculture, showed that it contained yeast and spores at the rate of 120 per one-sixtieth cmm, bacteria 115,000,000 per cc., with mold filaments in 64 per cent of the fields examined, and was therefore 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 Pennsylvania.

In due course a libel was filed in the District Court of the United States for said district against the said 20 boxes of tomato paste, 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 and decomposed vegetable substance and praying seizure, condemnation, and forfeiture of the product.

The cause coming on for hearing, and no answer having been filed to the above libel, the court being fully informed in the premises issued its decree finding the product in question to be adulterated as charged in said libel, condemning and forfeiting the same to the United States, and ordering its destruction by the marshal of said district, 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., *March 4, 1911.*