

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 805, FOOD AND DRUGS ACT.

ADULTERATION OF SPICED CATSUP.

On or about December 23, 1910, there were offered for sale in the city of Washington, District of Columbia, 5 barrels of food product, labeled: "Spiced Catsup Compound of Tomato Pulp and Spices. Preserved with Benzoate of Soda. Manufactured by R. C. Chance's Sons, Mt. Holly, N. J." Examination of samples of this product, made in the Bureau of Chemistry, United States Department of Agriculture, showed it to contain 90,000,000 bacteria per cc, yeast and spores at the rate of 42 per one-sixtieth cmm, with mold filaments in 80 per cent 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 thereon that the product so offered for sale was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the District of Columbia.

In due course a libel was filed in the Supreme Court of said district, sitting as a district court, against the said 5 barrels of spiced catsup, charging the above offering for sale and alleging that the product in question was adulterated within the meaning of the act, in that it consisted in part of a filthy and decomposed animal or vegetable substance, and praying seizure, condemnation, and forfeiture of the product.

On January 16, 1911, F. G. Swaine and J. E. Swaine, copartners, trading as F. G. Swaine & Son, appeared and filed their plea and answer, submitting themselves to the jurisdiction of the court, claiming ownership of the product involved, admitting the allegations in the above libel to be true, and consenting that a decree of condemna-

tion against said product be entered as prayed in said libel, and offering to pay the costs of such proceedings.

The cause coming on for hearing, the court being fully informed in the premises, issued its decree, finding the product to be adulterated as charged in said libel, and ordering its destruction by the marshal of said district, the costs of the proceedings having been paid by the above-mentioned respondents.

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 7, 1911.*

