

Issued May 11, 1911.

# United States Department of Agriculture,

## OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 838, FOOD AND DRUGS ACT.

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#### ADULTERATION OF CATSUP.

On or about September 27, 1910, the Atlas Preserving Company, Baltimore, Md., shipped from the State of Maryland into the State of Louisiana 80 barrels of catsup, labeled: "Dixie Catsup 1/5 of 1% Benzoate of Soda Distributed by Harry Hyman & Co., New Orleans, La." Samples from this shipment were procured and examined by the Bureau of Chemistry, United States Department of Agriculture, and the product was found to contain 190,000,000 bacteria per cubic centimeter, 53 yeasts and spores per one-sixtieth cubic millimeter, and mold filaments in 75 per cent of the microscopic fields examined. As it appeared from the above examination 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 Louisiana.

In due course a libel was filed in the District Court of the United States for said district against the said 80 barrels of catsup, charging the above shipment and alleging that the product so shipped was adulterated, in that it consisted in whole or in part of filthy, decomposed, and putrid vegetable substances.

The cause coming on for hearing and no claimant to the product having appeared, the court entered a default decree, condemning and forfeiting 65 barrels of said product to the use of the United States, the same being all that was found at the time of seizure, and ordering its destruction by the marshal of said district.

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

W. L. MOORE,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *April 11, 1911.*

