

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 880, FOOD AND DRUGS ACT.

ADULTERATION OF TOMATO PULP.

On or about October 27, 1910, the Gypsum Canning Company, Port Clinton, Ohio, shipped from the State of Ohio into the State of Minnesota 60 cases of a food product invoiced and sold as tomato pulp. Samples from this shipment were procured and examined in the Bureau of Chemistry, United States Department of Agriculture, and it was found to contain yeasts and spores 65 per one-sixtieth cubic millimeter, bacteria 96,000,000 per cubic centimeter, with mold filaments in 90 per cent of the microscopic fields examined. 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 that the said shipment was therefore 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 Minnesota.

On December 16, 1910, a libel was filed in the District Court of the United States for said District against 27 of the above casks of tomato pulp which had been seized by virtue of the monition issued by the above court, charging the above shipment and alleging the product so shipped to be adulterated because it consisted of a filthy and decomposed vegetable substance, and praying seizure, condemnation, and forfeiture of the product.

On February 16, 1911, the cause came on for hearing and no claim to the goods seized having been made, and no answer to the allegations in said libel having been filed, the court, being fully informed in the premises, issued its decree condemning and forfeiting the product to the use of the United States as being adulterated, and ordering the destruction thereof by the marshal of said district.

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

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *May 15, 1911.*

