

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 937, FOOD AND DRUGS ACT.

ADULTERATION AND MISBRANDING OF TOMATO CATSUP.

On or about November 19, 1909, The Pressing & Orr Co., Norwalk, Ohio, shipped two consignments of a food product from the State of Ohio, one of said shipments being into the State of Maryland and the other into the State of Iowa. The product shipped from Ohio into Maryland was labeled "Omega Brand Tomato Catsup. Made from tomatoes and parts of tomatoes, vinegar, sugar, salt and spices. To prevent fermentation 1/10 of 1 per cent benzoate of soda is used. The Kenneweg Co., Cumberland, Md. Branch houses, Myersdale, Pa., Romney, W. Va.," and the product shipped from Ohio into Iowa was labeled "Wilton Brand Catsup. Made from tomatoes and parts of tomatoes, vinegar, sugar, salt and spices. To prevent fermentation 1/10 of 1 per cent benzoate of soda. The Pressing & Orr Co., Norwalk, Ohio." Samples from these shipments were procured and examined by the Bureau of Chemistry, United States Department of Agriculture. The sample taken from the former shipment was found to contain yeasts and spores 200 per one-sixtieth cmm., with bacteria estimated at 80,000,000 per cc., molds and mold tissue fairly abundant, and decayed tissue rather frequent; while the sample from the latter shipment showed the presence of yeasts and spores 45 per one-sixtieth cmm., with very few bacteria, abundant molds, and some decayed tissue. As the findings of the analyst and reports thereon showed the product embraced in said shipments to be adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the said Pressing & Orr Co. and the parties from whom the samples were procured were afforded opportunities for hearings. As it appeared after hearings held that both shipments were made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

On August 16, 1910, a criminal information was filed in the District Court of the United States for the Northern District of Ohio against the said Pressing & Orr Co., charging the above shipments

and alleging that the product contained in the said two shipments was adulterated because it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance, and further alleging that the product was misbranded because it was labeled as above set forth, which labels were such as to mislead and deceive the purchaser into the belief that the product was a catsup "made from tomatoes and parts of tomatoes, vinegar, sugar, salt and spices," when as a matter of fact it was an adulterated product as above set forth.

On January 18, 1911, the defendant entered a plea of nolo contendere to the above information, whereupon the court imposed a fine of \$25 and costs.

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., *June 7, 1911.*

