

Issued July 15, 1911.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 950, FOOD AND DRUGS ACT.

ADULTERATION OF TOMATO CATSUP.

On or about May 20, 1910, the Hyman Pickle Company, a corporation, Louisville, Ky., shipped from the State of Kentucky into the State of Oklahoma a quantity of a food product labeled: "Hyman's Brand Oyster Hot Tomato Catsup. Made from Red Ripe Tomatoes brought from our farm at Medora, Ky. Contains 1/10 of 1 per cent benzoate of soda. Packed by the Hyman Pickle Co., Inc., Louisville, Ky." Samples from this shipment were procured, analyzed, and examined microscopically by the Bureau of Chemistry, United States Department of Agriculture, and the product was found to contain yeasts and spores 290 per one-sixtieth cmm, bacteria estimated at 43,000,000 per cc, with mold filaments present in about two thirds of the microscopic fields examined. As the findings of the analyst and report thereon indicated that the product was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, the Hyman Pickle Company and the party from whom the samples were procured were afforded opportunities for hearings. As it appeared after hearings held that the above shipment was 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.

In due course a criminal information was filed in the District Court of the United States for the Western District of Kentucky against the said Hyman Pickle Company charging the above shipment and alleging that the product so shipped was adulterated because it consisted in part of a filthy and decomposed vegetable substance.

On March 4, 1911, the defendant entered a plea of guilty 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 12, 1911.*