

# United States Department of Agriculture,

## OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 956, FOOD AND DRUGS ACT.

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#### ADULTERATION OF TOMATO CATSUP.

On or about October 20, 1910, the Philadelphia Pickling Company, Philadelphia, Pa., shipped from the State of Pennsylvania into the State of Maryland 5 barrels of a food product labeled: "No. 4 spiced comp. catsup. Antifermented with 2/10 of 1 per cent benzoate soda." A sample from this shipment was procured, analyzed, and examined microscopically by the Bureau of Chemistry, United States Department of Agriculture, and the product was found to contain 200,000,000 bacteria per cc and 48 yeasts and spores per one-sixtieth cmm, with mold filaments present in 80 per cent of the fields examined and, in addition, some cereal. 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 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 Maryland.

On October 26, 1910, a libel was filed in the District Court of the United States for said district against the said 5 barrels of catsup, charging the above shipment and alleging that the product so shipped was adulterated because a cereal had been mixed with the product so as to reduce and lower the quality and strength thereof, and had been substituted in part for the product, and because said catsup consisted in part of filthy and decomposed tomatoes, and praying seizure, condemnation, and forfeiture of the product.

On January 19, 1911, the cause came on for hearing and there being no appearance on the part of any claimant to the product and no answer to the allegations of the above libel, the court being fully informed in the premises, issued its decree condemning and forfeiting the product to the use of the United States for the causes alleged in said libel, and the next day the court issued an order for the destruction of the above mentioned 5 barrels of catsup 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., *June 14, 1911.*