

Issued July 20, 1911.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 973, FOOD AND DRUGS ACT.

ADULTERATION AND MISBRANDING OF TOMATO PASTE.

On or about December 16, 1910, the Philadelphia Pickling Company, Eldora, N. J., shipped from the State of New Jersey into the State of Pennsylvania 9 barrels of tomato paste. 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 yeasts and spores at the rate of 200 per one-sixtieth cmm., bacteria 250 million per cc., with mold filaments present in 60 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 Pennsylvania.

In due course a libel was filed in the District Court of the United States for said district against the said 9 barrels of tomato paste, charging the above shipment, and alleging that the product so shipped was adulterated, in that it consisted in whole or in part of a filthy and decomposed vegetable substance, and praying seizure and condemnation of the product.

On March 31, 1911, the cause coming on for trial, and no claimant to the product having appeared, and no answer having been filed, the court being fully informed in the premises, issued its decree, condemning and forfeiting the said product to the use of the United States for the cause set forth in the above libel, and ordering its destruction by the marshal of said district, which order was forthwith executed.

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 20, 1911.*

