

Issued August 15, 1911.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1003.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF TOMATO CATSUP.

On April 11, 1911, the United States Attorney for the Southern District of Iowa, acting upon the report by the Secretary of Agriculture, filed information in the District Court of the United States against the Burlington Vinegar & Pickle Co., Burlington, Iowa, alleging shipment by that company, in violation of the Food and Drugs Act, on or about December 3, 1909, from the State of Iowa into the State of Nebraska, of a quantity of tomato catsup, a food, which was adulterated and misbranded. The product was labeled: (Main label) "Tomato Catsup, Burlington Vinegar & Pickle Works, Burlington, Iowa." (Neck label) "Does not contain any artificial coloring matter." (On sticker) "The catsup contained in this bottle is manufactured from whole ripe tomatoes, granulated sugar, salt, pure spices, and distilled vinegar. Contains 1/10 of 1% benzoate of soda. Net contents 13 oz."

Analysis by the Bureau of Chemistry showed that the product contained yeasts and spores to the extent of 900 per one-sixtieth cmm., with bacteria at the rate of about 20,000,000 per cc., and abundant molds. Adulteration was alleged for the reason that these substances were present in the product, and that it therefore consisted in whole or in part of a filthy, decomposed, and putrid animal or vegetable substance. Misbranding was alleged for the reason that the statements on the label above indicated did not conform to the composition of the product, and that such label was therefore false and misleading.

The defendant company pleaded guilty and was fined \$50 and costs.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *June 30, 1911.*