

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1199.

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

ADULTERATION OF TOMATO CATSUP.

On December 19, 1910, the United States Attorney for the District of Indiana, acting upon a report of the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of 475 cases of tomato catsup, in the possession of Bement-Rea Co., Terre Haute, Ind. Each of the cases was labeled: "2 Doz. No. 14 M. B. Keystone Tomato Catsup, Bement-Rea Company, Terre-Haute, Ind." Each of the bottles in said cases was labeled: "Keystone Brand Tomato Catsup, put up for Bement-Rea Company, Terre Haute, Ind."

Examination of samples of said consignment by the Bureau of Chemistry of the United States Department of Agriculture showed said product to contain yeasts and spores 90 per one-sixtieth cmm., bacteria 200 million per cc., mold filaments present in 75 per cent of the microscopic fields examined. The libel alleged that the tomato catsup, after transportation from the State of Ohio into the State of Indiana, remained in the original unbroken packages, and was adulterated, in violation of the Food and Drugs Act of June 30, 1906, because it consisted in whole or in part of a filthy, putrid, or decomposed animal or vegetable substance, and was therefore liable to seizure for confiscation.

The cause coming on to be heard, and it appearing that J. Weller Co. had appeared as claimants of said product, and filed answer to the libel, the court found the said product adulterated, as alleged in the libel, and that the United States was entitled to a decree of condemnation and forfeiture, as prayed for in the libel. Accordingly decree was entered condemning and forfeiting the goods to the United States, and ordering their destruction by the marshal.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *November 9, 1911.*