

Issued January 10, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1224.

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

ADULTERATION OF TOMATO CATSUP.

On December 12, 1910, the United States Attorney for the Middle District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of 25 cases of tomato catsup in the possession of Gardner & Co., Gallatin, Tenn. The product was labeled: "Kokomo Brand Catsup—Made of small tomatoes and peeling—1/10 of 1% benzoate of soda—Kokomo Canning Company, Kokomo, Ind."

Examination of a sample of said product, made by the Bureau of Chemistry of the United States Department of Agriculture, showed it to contain yeasts and spores 300 per one-sixtieth cmm, bacteria 200,000,000 per cc, mold filaments present in 60 per cent of the fields, and that the product was filthy, decomposed, and putrid. The libel alleged that the product, after shipment by the Kokomo Canning Co., Kokomo, Ind., from the State of Indiana into the State of Tennessee, 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, decomposed, and putrid vegetable substance and was, therefore, liable to seizure for confiscation.

On May 19, 1911, the case coming on to be heard and no one having appeared as claimant or filed answer, the court entered a decree finding the product adulterated, as alleged in the libel, and condemning and forfeiting the same to the United States and ordering its destruction by the marshal.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *November 29, 1911.*