

# United States Department of Agriculture,

## OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 1522.

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

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#### ADULTERATION OF TOMATO CATSUP.

On October 14, 1911, the United States Attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Robert C. Chance, Albert Chance, and Wilmer Chance, partners, trading as R. C. Chance's Sons, Mount Holly, N. J., alleging shipment by them, in violation of the Food and Drugs Act—

(1) On or about September 12, 1910, from the State of New Jersey into the District of Columbia of a consignment of five barrels of tomato catsup which was adulterated. The product was labeled: "Spiced Catsup Compound of Tomato Pulp and Spices Preserved with Benzoate of Soda. Manufactured by R. C. Chance's Sons, Mt. Holly, N. J. 52 Preserved with about 1/5 of 1 per cent. benzoate of soda. Clyde Line, Phila. to Norfolk." (Tag Label) "For F. G. Swaine & Sons, Washington, D. C. from R. C. Chance's Sons, Mt. Holly, N. J."

Examination by the Bureau of Chemistry of this Department showed the following results: Yeasts and spores, 42 per one-sixtieth cmm.; bacteria, 90,000,000 per cc; mold filaments in 80 per cent of the microscopic fields, which indicate that partially decomposed stock was used in manufacturing the product. Adulteration was alleged in the information for the reason that the product consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance, that is to say, tomatoes containing yeasts and spores, bacteria, and molds.

(2) On or about October 25, 1910, from the State of New Jersey into the State of New York of a consignment of three barrels of tomato catsup which was adulterated. The product was labeled: "Bon Ton Catsup. Compound of tomato pulp, saccharine and spices. Preserved with benzoate of sodium. Man'f'd by R. C. Chance's Sons, Mt. Holly, N. J. Preserved with about 1/3 of 1% Benzoate of Sodium. Trace of coal tar coloring."

Examination by the Bureau of Chemistry of this Department showed the following results: Yeasts and spores, 85 per one-sixtieth cmm.; bacteria, 177,000,000 per cc; mold filaments in 81 per cent of the fields.

(3) On or about October 25, 1910, from the State of New Jersey into the State of New York of a consignment of seven barrels of tomato catsup which was adulterated. The product was labeled: "Spiced Catsup. Compound of tomato pulp, saccharine and spices. Preserved with benzoate of sodium. Man'f'd by R. C. Chance's Sons, Mt. Holly, N. J. Preserved with about 1/3 of 1% Benzoate of Sodium. Trace of coal tar coloring."

Examination by the Bureau of Chemistry of this Department showed the following results: Yeasts and spores, 70 per one-sixtieth cmm.; bacteria, 216,000,000 per cc; mold filaments in 82 per cent of the fields, which indicates partially decomposed materials having been used in the manufacture of products (shipments 2 and 3) and that they had been artificially colored with Ponceau 3 R.

Adulteration was alleged in the information as to shipments (2) and (3), for the reason that the product consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance, that is to say, tomatoes containing yeasts, spores, bacteria, and molds, and for the further reason that the same was colored in a manner whereby its inferiority was concealed, i. e., artificially colored with Ponceau 3 R.

(4) On or about December 10, 1910, from the State of New Jersey into the State of Massachusetts of a consignment of 350 cases of tomato catsup which was adulterated. The product was labeled: "Mayflower Brand Tomato Catsup, put up expressly for C. B. Smith & Bro., Boston, Mass., Preserved with 1/10 of 1% Sodium Benzoate."

Examination by the Bureau of Chemistry of this Department showed the following results: Yeasts and spores, 65 per one-sixtieth cmm.; bacteria, 150,000,000 per cc; mold filaments in 75 per cent of the microscopic fields.

(5) On or about December 13, 1910, from the State of New Jersey into the State of Massachusetts of a consignment of 100 cases of tomato catsup which was adulterated. The product was labeled: "Home Brand Tomato Catsup, Made and Packed by R. C. Chance's Sons, Philadelphia, Pa., and Mount Holly, N. J. Free from all artificial coloring and pres. with 1% Sod. Benz. Is made from tomatoes, pure spices, vinegar, and sugar."

Examination by the Bureau of Chemistry of this Department showed the following results: Yeasts and spores, 63 per one-sixtieth cmm.; bacteria, 127,000,000 per cc; mold filaments in 80 per cent of the fields, which indicates that the stock from which the product was made was in a partially decomposed condition.

Adulteration was alleged in the information as to shipments (4) and (5), for the reason that the product consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance, that is to say, tomatoes containing yeasts, spores, bacteria, and molds.

On February 13, 1912, the defendants entered a plea of non vult and a fine of \$100 was imposed by the court.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 7, 1912.*

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