

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1532.

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

ADULTERATION OF TOMATO PULP.

On November 7, 1911, the United States Attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the United States District Court for said district a libel for the seizure and condemnation of 900 cases, each containing 4 dozen cans, of tomato pulp remaining unsold in the original unbroken packages and in possession of the Scudders-Gale Grocer Co., a corporation, St. Louis, Mo., alleging that the product had been transported, on or about October 16, 1911, from the State of New Jersey into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act. Each case was labeled: "4 Doz. No. 1 Household Brand Tomato Pulp. Put up by Walter S. Baker, Bridgeton, N. J.", and each can contained in the cases was labeled: "Household Brand for Soup Tomato Pulp." (Guaranty Legend.) "Serial No. 19843. Made from tomatoes, pieces of tomatoes and tomato trimmings. Packed by Walter S. Baker, Bridgeton, N. J."

Adulteration was alleged in the libel for the reason that the product contained a large amount of bacteria, yeasts, spores, and mold filaments, and consisted in a large part, and to an injurious extent, of filthy and decomposed vegetable substances, and of decayed tomato tissue and fragments; and that said product was further adulterated, in that a substance, to wit, decayed tomato tissue and fragments, and filthy and decomposed vegetable substances had been mixed and packed with it so as to reduce, lower, and injuriously affect its quality, and that said product was of a deleterious character within the meaning of the Act.

On March 19, 1912, judgment of condemnation and forfeiture was entered, and it was further ordered that the 665 cases of the product that had been seized should be destroyed by the United States marshal, and that all costs of the proceedings should be taxed against the claimant, S. H. Levins & Sons.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *May 9, 1912.*

