

Issued October 24, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1724.

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

MISBRANDING OF SO-CALLED COMPOUND CATSUP.

On December 12, 1911, the United States Attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of said District, holding a district court, a libel, and on January 5, 1912, an amended libel, for the seizure and condemnation of 4 barrels of compound catsup, being a mixture containing among other things tomatoes, apples, and cereals, remaining unsold in the original unbroken packages and in possession of the Browning & Middleton Co. (Inc.), Washington, D. C., alleging that the product had been shipped on November 20, 1911, by the Arthur Leslie Sauce Co., Norfolk, Va., and transported from the State of Virginia into the District of Columbia, and charging misbranding in violation of the Food and Drugs Act.

Misbranding was alleged in the libel for the reason that the product was, in truth and in fact, an imitation of another certain article of food known as and called catsup, and that the same was not labeled and branded in a manner so as to announce its true nature or character. Misbranding was alleged for the further reason that the term "catsup" is a distinctive name of an article of food made of tomatoes, with seasoning and spices, sugar and vinegar, and without the addition of apples and cereal products, as existing in the article of food aforesaid, by reason of which the product was alleged to be an imitation of and sold and offered for sale under the distinctive name of catsup.

On January 15, 1912, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was further ordered that the three barrels of the product that had been seized should be destroyed by the United States marshal.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *August 8, 1912.*

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