

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1820.

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

ADULTERATION AND MISBRANDING OF TOMATO CATSUP.

On March 9, 1912, the United States Attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 524 cases, more or less, each containing 24 bottles of alleged tomato catsup, remaining unsold in the original unbroken packages, 220 of which cases were in possession of the C. J. J. Seaman Co., a corporation; 200 of which cases were in possession of William H. Race; 86 cases of which were in possession of L. Doleman Co., a corporation; 5 cases of which were in possession of Adam Boeckel and Henry J. Boeckel, doing business under the firm name and style of Adam Boeckel & Son; and 13 cases of which were in possession of Granger & Co., a corporation, all of Buffalo, N. Y. The libel alleged that the 220 cases in possession of C. J. J. Seaman & Co., were shipped on December 13, 1911, by the R. V. Crine Seed Co., Morganville, N. J., and transported from the State of New Jersey into the State of New York. This consignment of the product was labeled: (On cases) "2 doz. Home-Made brand Tomato Catsup Preserved with 1-10 of 1% benzoate Soda Packed by the R. V. Crine Seed Co. Morganville N. J." (On bottles) "Home Made Brand Catsup (Picture of Tomato) Prepared from fresh ripe tomatoes without fermentation Packed by The R. V. Crine Seed Co. Morganville, N. J. Contains 1-10 of 1% benzoate of soda." The 200 cases in possession of William H. Race were shipped by said R. V. Crine Seed Co. on December 12, 1911, from the State of New Jersey into the State of New York, and said cases and the bottles contained

therein were labeled: "Ecar Tomato Catsup. Made from whole red ripe tomatoes, pure spices, salt, distilled vinegar, and granulated sugar. Contains no artificial coloring. Prepared with 1-10 of 1% Benzoate of Soda. Serial No. 40046. Packed for Wm. H. Race, Buffalo N. Y." The 86 cases in possession of L. Doleman Co. were shipped by said R. V. Crine Seed Co. on December 6, 1911, from the State of New Jersey into the State of New York. This consignment was labeled: (On cases) "2 doz. No. 14 Bonny Best Tomato Catsup The R. V. Crine Seed Co. Morganville, N. J." (On bottles) "Bonny Best Tomato Catsup Contains no artificial color R. V. Crine Seed Co. Morganville, N. J. Made from whole red ripe tomatoes, distilled vinegar, salt, granulated sugar, and purest spices." The 5 cases in possession of Adam Boeckel & Son were shipped on December 7, 1911, by said R. V. Crine Seed Co. from the State of New Jersey into the State of New York and were labeled and the bottles therein were also labeled "Faithful Brand Tomato Catsup. Made from whole red ripe tomatoes, pure spices, distilled vinegar, granulated sugar and salt. No artificial color. Preserved with 1-10 of 1% Benzoate of Soda. Put up for Adam Boeckel & Son, Buffalo, N. Y." The 13 cases in possession of Granger & Co. were shipped on December 7, 1911, by said R. V. Crine Seed Co. from the State of New Jersey into the State of New York and were labeled and the bottles therein were also labeled: "Blue Star Brand Tomato Catsup. Made from whole red ripe tomatoes, distilled vinegar, pure spices, granulated sugar, contains no artificial coloring. Prepared with 1-10 of 1% benzoate of soda. Serial No. 40046. Packed for Granger and Co., Buffalo, N. Y."

Alteration was alleged in the label as to all five consignments of the product for the reason that it consisted in part of a filthy, decomposed vegetable substance, to wit, tomato catsup containing bacteria, yeast, spores, and mold filaments. Misbranding was alleged for the reason that the product was labeled and branded so as to deceive and mislead all purchasers.

On June 8, 1912, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was further ordered that the product should be destroyed by the United States marshal and that the costs of the proceeding, amounting to \$110.44, should be assessed against the various owners and holders of the product.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *October 17, 1912.*

