

Issued March 5, 1914

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2717.

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

U. S. v. Fruit Product Co. Plea of guilty. Fine, \$10 and costs.

ADULTERATION AND MISBRANDING OF CATSUP.

On April 30, 1913, the United States Attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Fruit Product Co., a corporation, Los Angeles, Cal., alleging the sale by said defendant, on November 7, 1910, under a written guaranty, of a quantity of tomato catsup which was adulterated and misbranded in violation of the Food and Drugs Act. The information alleged further that on or about November 10, 1910, the purchaser of the product, without having changed the same or the labels thereon, shipped a quantity of said product in the same containers in which it was received by the purchaser from the State of California into the State of Texas. The product was labeled: "Bodger's Best Tomato Catsup. Manufactured by Fruit Product Co., Los Angeles, Cal. Contains 1-10 of 1% Benzoate of Soda to prevent Mould and Souring when open for use. Meat of the Tomato. Made from fresh fruit, white sugar and pure spices."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the presence of yeasts and spores, 140 per one-sixtieth cmm; bacteria, 160,000,000 per cc; molds in 80 per cent of the fields; traces of butyric acid, citric acid, 0.22 per cent, lactic acid, 71 per cent, indicating that it contained decomposed tomatoes. The analysis also showed that the product contained no living organisms in 1 cc quantities. Adulteration of the product

was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal or vegetable substance. Misbranding was alleged for the reason that the statement "Contains 1-10 of 1% Benzoate of Soda" borne by the label was false and misleading in that the product contained a greater amount of benzoate of soda, to wit, three-tenths of 1 per cent.

On May 21, 1913, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$10 and costs.

C. F. MARVIN,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *October 7, 1913.*

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