

**3581. Adulteration of catsup. U. S. v. 15 Cases or Boxes of Catsup, So-Called. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 5626. I. S. No. 9513-h. S. No. E-11.)

On March 13, 1914, the United States attorney for the Northern 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 15 cases or boxes, each containing 2 dozen bottles of catsup, so-called, remaining unsold in the original unbroken packages at Binghamton, N. Y., alleging that the product had been shipped by the E. C. Flaccus Co., Wheeling, W. Va., and transported in interstate commerce from the State of West Virginia into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The cases were labeled: "2 Doz. Number 10 Champion Brand Catsup Pres. with 1/10 of 1 per cent Benzoate of Soda. Prep. by E. C. Flaccus Co., Wheeling, W. Va." The retail packages were labeled: "The Champion Brand (whole red tomato) Catsup Prepared from Tomatoes, Spice, Sugar, Onions, Salt, Vinegar, and Garlic. Preserved with 1/10 of 1 per cent Benzoate of Soda. The Champion Preserving Co., Wheeling, W. Va., the E. C. Flaccus Co., Proprietor (Sticker) average net weight 10 ounces."

It was alleged in the libel that the product consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance and was deleterious and injurious to health,<sup>1</sup> and the same was adulterated within the meaning of said act.

On August 24, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, the court finding that the product was adulterated in that it contained partly decomposed vegetable matter, and it was ordered that the same should be destroyed by the United States marshal and that libelant should receive as costs in the case the sum of \$20.27, for which execution should issue to the E. C. Flaccus Co.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 19, 1915.*

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<sup>1</sup> When this case was reported for action it was not claimed by this department that the product was deleterious or injurious to health.