

3803. Adulteration of tomato catsup. U. S. v. 4 Barrels of Tomato Catsup. Consent decree of condemnation and forfeiture. Product ordered destroyed. (F. & D. No. 6175. I. S. No. 1385-k. S. No. E-180.)

On December 12, 1914, the United States attorney for the Western District of Pennsylvania, 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 4 barrels of tomato catsup, remaining unsold in the original unbroken packages at Pittsburgh, Pa., alleging that the product had been shipped by E. C. Flaccus Co., Wheeling, W. Va., on November 17, 1914, and transported from the State of West Virginia into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: (On one end of barrels) "Champion Brand Tomato Catsup Manufactured by E. C. Flaccus Co., Wheeling, W. Va., U. S. A. Food Products;" (On other end) "Preserved with 1/10 of 1% Sodi Benzoate."

Adulteration of the product was alleged in the libel for the reason that it was composed in whole or in part of a filthy, decomposed vegetable product, in that it showed mold filaments present in 46 per cent and 20 per cent, respectively, of all microscopic fields examined; yeasts and spores, 75 and 80 [per cent], respectively, per one-sixtieth cubic millimeter; bacteria, 850,000,000 and 590,000,000, respectively, per cubic centimeter.

On December 30, 1914, the said E. C. Flaccus Co., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed, and that the costs of the proceedings should be paid by the said claimant.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., May 8, 1915.