

## United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 156, FOOD AND DRUGS ACT.

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#### ADULTERATION AND MISBRANDING OF TOMATO CATSUP.

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906 and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given that on the 7th day of October, 1909, in the District Court of the United States for the District of Maryland, in a prosecution by the United States against the S. J. Van Lill Company, a corporation of Baltimore, Maryland, for violation of section 2 of the aforesaid act in shipping and delivering for shipment from Maryland to Massachusetts an adulterated and misbranded tomato catsup, that is to say, catsup labeled and branded "Navy Brand Catsup, prepared with 1/10 of one percent benzoate of sodium. Prepared by S. J. Van Lill, Baltimore, Md., U. S. A." "Notice: This Catsup is superior on account of its Fine Zest and Fine Tomato Flavor." "Made from Choice ripe tomatoes, granulated sugar, and selected high grade spices, grain vinegar", the said S. J. Van Lill Company having entered a plea of guilty, the court imposed upon it a fine of \$150.

The facts in the case were as follows:

On September 30, 1908, an inspector of the Department of Agriculture procured a sample of tomato catsup labeled as above, which was part of a consignment of goods shipped on or about September 26, 1908 by the S. J. Van Lill Company, Baltimore, Maryland, to S. J. Van Lill, Lowell, Massachusetts, with instructions to notify Coffey Brothers. This shipment of catsup was seized, condemned, and destroyed by order of the District Court of the United States for the District of Rhode Island in the case of the United States v. 650 Cases of Tomato Catsup, a proceeding of libel for such seizure, condemnation, and forfeiture prosecuted to judgment in said District on March 15, 1909 (Notice of Judgment 79). The sample was analyzed in the Bureau of Chemistry of the United States Department of

Agriculture and found to contain a filthy, decomposed, and putrid vegetable substance and to have been made from tomato pulp screened from peelings and cores.

It was evident that the product was both adulterated and misbranded within the meaning of sections 7 and 8 of the Act; adulterated because it consisted in part of a filthy, decomposed, and putrid vegetable substance; and misbranded because it was labeled "Made from choice ripe tomatoes, granulated sugar, and selected high grade spices, grain vinegar," when in fact the product was made from waste material,—tomato pulp screened from peelings and cores.

The Secretary of Agriculture, on October 3, 1908, notified the manufacturers of the above charges and afforded them an opportunity to be heard thereon; and after said hearing, at which the defendant was represented, it appearing that said act had been violated, as above set forth, the facts were certified by said Secretary to the Attorney General by whom they were referred to the United States Attorney for the District of Maryland who filed an information against the said S. J. Van Lill Company with the result hereinbefore stated.

JAMES WILSON,  
*Secretary of Agriculture.*

JANUARY 10, 1910.

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