

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 599, FOOD AND DRUGS ACT.

ADULTERATION AND MISBRANDING OF TOMATO CATSUP.

On or about March 4, 1910, Alart & McGuire, New York, N. Y., shipped from the State of New York to the State of Louisiana 124 cases, each containing 24 bottles of catsup, each of which bottles were labeled "Hottentot catsup—only the purest ingredients used in this mixture, absolutely guaranteed—Serial No. 1281—packed by Alart and McGuire, New York, N. Y."; and 15 barrels of tomato catsup, each of which was labeled "Extra Spiced O. K. Catsup, Alart & McGuire, New York, N. Y. 1/10th of 1 per cent of benzoate of soda used as preservative." Examination of samples of this product made by the Bureau of Chemistry, United States Department of Agriculture, showed it to be adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the above examination that the shipment was liable to seizure under section 10 of the act, the facts were reported to the United States attorney for the Eastern District of Louisiana.

In due course libels were filed in the District Court of the United States for said district against the said 125 cases and 15 barrels of catsup, charging the above shipment and alleging that the products so shipped were adulterated in that they consisted in whole or in part of filthy, decomposed, and putrid vegetable substances; that the catsup contained in the bottles above referred to was misbranded in that the labels thereon above set forth are false and misleading in the statement that only the purest ingredients are used in said catsup, when in truth and in fact the catsup consists in whole or in part of filthy, decomposed vegetable substances; and that the catsup contained in the 15 barrels was misbranded because the labels thereon above set forth were false and misleading in stating that the said catsup was "O. K.", meaning thereby that it was good, pure, and genuine catsup made of sound and healthful substances, when in

truth and in fact it consisted in whole or in part of filthy, decomposed, and putrid vegetable substances.

On June 15, 1910, Paul Brierre & Co., and the above named Alart & McGuire, through Paul Brierre, their agent, intervened and admitted the truth of the allegations of the libels above set forth, and consented that a final decree of condemnation be entered in these proceedings as provided by section 10 of the Food and Drugs Act of June 30, 1906.

On June 16, 1910, the case came on for hearing, and the court being fully informed in the premises entered its decree, sustaining the allegations of the libels above set forth and directing the United States marshal for said district to destroy the catsup above referred to, the costs of the court to be paid by said intervenors and claimants, Paul Brierre & Co. and Alart & McGuire.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *September 9, 1910.*

O