

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 925, FOOD AND DRUGS ACT.

ADULTERATION OF TOMATO CATSUP.

On or about October 6, 1910, the McMechen Preserving Company, Wheeling, W. Va., shipped from the State of West Virginia into the State of Illinois 800 cases of a food product, which cases were labeled: "2 Doz. No. 12 Bunny Brand Catsup—2021—John W. Bunn & Company, Springfield, Illinois." The retail units contained in said cases were each labeled: "Bunny Brand Tomato Catsup—Made from whole, ripe tomatoes, granulated sugar, spices, vinegar, onions, prepared with $\frac{1}{10}$ of one per cent benzoate of soda. Packed for John W. Bunn & Company, Springfield, Illinois." A sample from this shipment was procured, analyzed, and examined microscopically by the Bureau of Chemistry, United States Department of Agriculture, and it was found to contain 40 million bacteria per cc., and 190 yeasts and spores per one-sixtieth cmm., with mold filaments present in 80 per cent of the microscopical fields examined. As the findings of the analyst and report thereon indicated that the product was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, and was liable to seizure under section 10 of said act, the Secretary of Agriculture reported the facts to the United States attorney for the Southern District of Illinois.

On November 28, 1910, a libel was filed in the District Court of the United States for said district, against the said 800 cases of tomato catsup, charging the above shipment, and alleging that the product so shipped was adulterated because it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance, and praying seizure, condemnation, and forfeiture of the product.

On March 16, 1911, the cause came on for hearing, and no claimant to the product having appeared or answer to the allegations of the above libel having been filed, the court being fully informed in the premises, issued its decree finding the product to be adulterated as alleged in the above libel, condemning and forfeiting the same to the use of the United States, and ordering its destruction by the marshal of said district.

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

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *May 29, 1911.*

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