

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1098.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF CATSUP.

At the November term of court, 1910, the United States Attorney for the Eastern District of Missouri, acting upon the report by the Secretary of Agriculture, filed information in the District Court of the United States against the National Pickle and Canning Co. (Dodson-Braun Branch), a corporation, of St. Louis, Mo., alleging shipment by it, in violation of the Food and Drugs Act, on or about March 15, 1910, from the State of Missouri into the State of Arkansas, of a quantity of catsup which was adulterated and misbranded. The product was labeled: "Premium Brand Tomato Catsup. Put up by the National Pickle & Canning Co., Dodson-Braun Branch, St. Louis, U. S. A. Containing 1/10 of 1% Sodium Benzoate (Guaranty Legend)"; (on sticker): "This catsup is prepared from carefully selected whole, red-ripe tomatoes with pure vinegar, salt and carefully selected spices, and is guaranteed to be absolutely pure and free from artificial coloring matter."

Analysis of the product by the Bureau of Chemistry of this Department showed it to contain among other things 0.24 per cent sodium benzoate, and a bacteriological examination by said Bureau showed the presence of numerous yeasts and spores, bacteria estimated at 70,000,000 per cc., with mold filaments in about four-fifths of the microscopic fields, and an abundance of bacterial debris. The information, therefore, alleged adulteration of the product in the first count because it consisted in a large part of a filthy, decomposed, and putrid animal or vegetable substance. Misbranding was alleged in the information in the second count because the statements on the

label, "This catsup is prepared from carefully selected whole red-ripe tomatoes with pure vinegar, salt and carefully selected spices, and is guaranteed to be absolutely pure and free from artificial coloring matter," are false and misleading, and calculated to mislead and deceive the purchaser in that said product was not what said label represented it to be, but on the contrary contained a large amount of yeasts and spores, mold filaments, bacteria, bacterial débris, filthy, decomposed, and putrid animal and vegetable substances. Misbranding was further alleged in the third count of the information for the reason that the label on the product represented it to contain only one-tenth of 1 per cent of sodium benzoate, when, in fact, it contained 0.24 per cent sodium benzoate.

On May 29, 1911, the defendant pleaded guilty and was fined \$10 on each count, totaling a fine of \$30, and costs.

JAMES WILSON,
Secretary of Agriculture.

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