

# United States Department of Agriculture,

## OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 1196.

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

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#### ADULTERATION OF CATSUP.

On November 16, 1910, 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 two libels, one praying condemnation and forfeiture of 20 barrels of catsup in the possession of A. G. Lehman & Co., and the other praying condemnation and forfeiture of 7 barrels of catsup in the possession of the Pittsburgh Vinegar Co. The product was labeled: "Perfection Tomato Catsup Preserved with 1/10 of 1% Benzoate of Soda Packed by H. N. Weller & Co., Toledo, O."

Samples of said products were examined by the Bureau of Chemistry of the United States Department of Agriculture with the following results: Sample collected from the Pittsburgh Vinegar Co. and numbered I. S. 9942-c was found to contain 65 million bacteria per cc, and 325 yeasts and spores per one-sixtieth cmm.; mold filaments in 75 per cent of the microscopic fields examined. The sample collected from the product in the possession of A. J. Lehman & Co., and numbered for purposes of identification as I. S. 9943-c, was found to contain 65 million bacteria per cc, and 400 yeasts and spores per one-sixtieth cmm.; mold filaments in practically all the fields. The libels alleged that the catsup, after shipment by H. N. Weller & Co., Toledo, Ohio, from the State of Ohio into the State of Pennsylvania, remained in the original unbroken packages, and was adulterated in violation of the Food and Drugs Act of June 30, 1906, because it consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance, and was therefore liable to seizure for confiscation.

On December 1, 1910, H. N. Weller & Co. appeared in each of the aforesaid proceedings and filed answers and petitions for leave to intervene as parties defendant, and for release of said catsup to them. Whereupon the court entered a decree in each case, finding the products adulterated as alleged in the libels, and condemning and forfeiting the said products to the United States, but with the

proviso that upon the payment of all the costs in the two proceedings, and the giving of a bond by H. N. Weller & Co. in each case in the sum of \$500, conditioned that the aforesaid products should not be again sold contrary to law, that the same should be released to them.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *November 8, 1911.*

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