

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1237.

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

ADULTERATION OF CANNED TOMATOES.

On July 29, 1911, the United States Attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed information in the District Court of the United States for said district against the Clinton B. Ayars Canning Co., a corporation, alleging shipment by it, in violation of the Food and Drugs Act, on or about August 4, 1910, from the State of New Jersey into the State of Pennsylvania, of 822 cans of tomatoes, which were adulterated. The product was labeled: "Emerson Brand Tomatoes. These Tomatoes are carefully selected and packed expressly for the finest trade. Finest quality Emerson Brand Tomatoes. Packed by B. S. Ayars & Sons Co., Bridgeton, N. J."

Examination of a sample of said product made by the Bureau of Chemistry of the United States Department of Agriculture showed the following results: Total acid as citric, 0.53 per cent; volatile acids as acetic, 0.04 per cent; lactic acid, 0.08 per cent; polarization -3.7° ; alcohol, traces; butyric acid, traces; yeasts and spores 27 per cent per one-sixtieth cmm., bacteria 48,000,000 per cc., mold filaments in 45 per cent of the fields, which indicated a partially decomposed state in the product. Adulteration was alleged against said product for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance, as shown by the aforesaid examination.

On September 18, 1911, the defendant corporation pleaded non vult, and sentence was suspended by the court.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *December 6, 1911.*