

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 1427.

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

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### ADULTERATION AND MISBRANDING OF CATSUP; ADULTERATION OF TOMATO CATSUP; ADULTERATION OF CATSUP.

On November 29, 1911, the United States Attorney for the District of New Jersey, acting upon a report from the Secretary of Agriculture, filed an information in four counts in the District Court of the United States for said district against Henry B. Corey and The Farmer's Loan & Trust Co., doing business under the firm name of Alart & McGuire, of New York City, conducting and carrying on business at Williamstown, in the State of New Jersey, alleging violations of the Food and Drugs Act on the dates and in the manner following:

On February 2, 1910, shipment from the State of New Jersey into the State of Pennsylvania of a quantity of catsup which was adulterated and misbranded. The product was labeled: "Hottentot Catsup. This condiment is prepared from selected ripe tomatoes, flavored with distilled vinegar, sugar and choice spices, and contains .001 benzoate of soda. No artificial coloring used. Serial No. 1281. Prepared by Alart & McGuire, New York. Specially prepared to suit the demands for a highly spiced and seasoned condiment; only the purest of ingredients used in this mixture. Absolutely guaranteed." An analysis of a sample of said product, made by the Bureau of Chemistry of the United States Department of Agriculture, showed the following results: Yeasts and spores 70 per one-sixtieth cmm; bacteria 200,000,000 per cc; molds in about two-thirds of the microscopic fields. Adulteration was alleged in the second count of the information against this product because it consisted in part of a filthy, decomposed, or putrid animal or vegetable substance, to wit, tomatoes containing yeast, spores, bacteria, and molds. Misbranding was alleged in the first count of the information against said product because the label thereon conveyed the impression that said product was made only of the purest ingredients and that it was prepared from selected ripe tomatoes, to wit, clean, choice, fresh, sound, ripe tomatoes, selected with great care, whereas in fact the said product

contained a considerable amount of core tissue and débris, indicating that the said product was made from very inferior stock, whereas and by reason whereof the purchaser would be deceived into believing that the said product was a pure catsup of high quality, commonly being known to the trade and the public in general as the clean, sound product made from properly prepared clean, sound, fresh, ripe tomatoes, with spices and with or without permitted preservatives.

On or about July 20, 1910, shipment from the State of New Jersey into the State of Pennsylvania of a quantity of tomato catsup which was adulterated. The product was labeled: "Extra Spiced Home Made Catsup. Trade O K Mark. This condiment is prepared from selected ripe tomatoes flavored with distilled vinegar, sugar and choice spices. Prepared with .001 Benzoate of Soda. No artificial coloring used. Alart & McGuire, New York." Analysis of a sample of said product, made by the Bureau of Chemistry of the United States Department of Agriculture, showed the following results: Yeasts and spores 105 per one-sixtieth cmm; bacteria numerous, estimated at 190,000,000 per cc; mold filaments in nearly every microscopic field; sand rather abundant and pieces of decayed tissue. Adulteration was alleged in the third count of the information against said product for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance, that is to say, tomatoes containing yeasts, spores, bacteria, molds, and decayed tissue.

On or about June 1, 1910, shipment from the State of New Jersey into the State of New York of a quantity of catsup which was adulterated. The product was labeled: "Extra Spiced O. K. Catsup. 50. Alart & McGuire, N. Y. 1/10 of 1% Benzoate of Soda used as preservative. W. 5. T. D. Harvey's Sons, Phila., Pa." Analysis of a sample of said product, made by the Bureau of Chemistry of the United States Department of Agriculture, showed the following results: Yeasts and spores 106 per one-sixtieth cmm; bacteria 140,000,000 per cc; molds in nearly every microscopic field. Adulteration was alleged in the fourth count of the information against this product for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance, that is to say, tomatoes containing yeasts, spores, bacteria, and molds.

On January 8, 1912, the defendants pleaded non vult and were fined \$100 on the first count of the information, and sentence was suspended as to the other counts.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *February 29, 1912.*