

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1690.

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

ADULTERATION AND MISBRANDING OF CATSUP.

At the September and December sessions of the District Court of the United States for the Eastern District of Pennsylvania the United States Attorney for said district, acting upon a report by the Secretary of Agriculture, filed in said District Court informations against the Philadelphia Pickling Co., a corporation, Philadelphia, Pa., alleging shipment by said company, in violation of the Food and Drugs Act, on November 23, 1910, from the State of Pennsylvania into the State of New Jersey of a consignment of catsup which was adulterated and misbranded. The product was labeled: "Old Fashioned Home Made Catsup Made of whole tomatoes 56% Tomato pieces & Trimmings 38.5% Spices 0.3% Salt 1.2% Onions & Garlic 1.2% Vinegar 0.9% Sugar 0.9% Cereals 1.0%—100% This catsup in its original package is not misbranded and is natural color. Put up by Philadelphia Pickling Co. 262 & 264 2nd St., Phila., Pa. Prepared with 1-10 of 1% Benzoate of Soda."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Yeasts and spores, 70 per one-sixtieth cubic millimeter; bacteria, 60,000,000 per cubic centimeter; mold filaments in 60 per cent of the fields. Adulteration was alleged in the information for the reason that the product consisted in part of a filthy, decomposed, and putrid animal or vegetable substance. Misbranding was alleged for the reason that the product was branded so as to deceive and mislead the purchaser thereof, in that the statement on the label, to wit, "Old Fashioned Home Made Catsup," created the impression and led the purchaser to believe that the product was of a superior quality, made with

exceptional cleanliness and care, and in general an article of food of high grade, whereas, in truth and in fact, it was not a catsup of superior quality, made with exceptional cleanliness and care, but on the contrary was a mixture of catsup with peelings, cores, and sand.

On March 21, 1911, the case having come on for trial before the court and jury, a verdict of guilty was returned by the jury. The defendant company thereupon filed a motion in arrest of judgment which was thereafter dismissed by the court and defendant was sentenced to pay a fine of \$25 and costs upon the charge of adulteration and \$25 and costs upon the charge of misbranding, aggregating \$103.50 in fines and costs.

W. M. HAYS,
Acting Secretary of Agriculture.

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

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