

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1758.

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

MISBRANDING OF TOMATO CATSUP.

On November 3, 1911, the United States Attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the National Pickle & Canning Co., a corporation, St. Louis, Mo., operating the Dodson-Braun Branch, Kansas City, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, on or about November 10, 1910, from the State of Missouri into the State of Kansas, of a quantity of tomato catsup which was misbranded. The product was labeled: "Premium Brand Tomato Catsup. Put up by National Pickle and Canning Co. Dodson-Braun Branch St. Louis U. S. A. Guaranteed by the National Pickle and Canning Co. under the National Pure Food and Drugs Act, June 30, 1906. Contains 1-10 of 1% sodium benzoate."

Analysis of a sample of the product made by the Bureau of Chemistry of this Department showed the following results: Total solids, 15.25 per cent; insoluble solids, 1.13 per cent; ratio of insoluble to soluble solids, 1:13.5; total ash, 3 per cent; alkalinity of total ash (cc N/10 acid per 1 gram), 0.78; reducing sugars after inversion, 8.34 per cent; polarization after inversion, -2.44; sodium benzoate, gravimetric, 0.22 per cent; sodium benzoate, volumetric, 0.22 per cent; sodium benzoate, Mohler's test, positive; sand, 0.012 per cent; settling test, 159; total acidity as acetic, 0.85 per cent; volatile acids as acetic, 0.32 per cent. Misbranding was alleged in the information for the reason that the product was labeled as set forth above, when in truth and in fact the bottles or packages contained 0.22 per cent sodium benzoate instead of one-tenth of 1 per cent as stated on said bottles and packages, and that the brands and labels were such as to deceive and mislead the purchaser thereof into the belief that he was purchasing tomato catsup containing but one-tenth of 1 per cent sodium benzoate, whereas the same contained 0.22 per cent.

On April 29, 1912, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$50 and costs.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., August 19, 1912.