

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 474, FOOD AND DRUGS ACT.

MISBRANDING OF TOMATO CATSUP.

On or about November 28, 1908, the Diamond Manufacturing Company, Kansas City, Mo., shipped from the State of Missouri to the State of Kansas a consignment of a food product labeled "Nantucket Brand Tomato Catsup." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report thereon indicated that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the Diamond Manufacturing Company, and the dealer from whom the samples were procured, opportunities for hearings. As it appeared after hearings held that said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Western District of Missouri, charging the above shipment and alleging that the product was misbranded within the meaning of the act, because the product contained, among other things, 9.56 per cent of glucose, which substance was not set forth on the label above quoted as being one of the ingredients contained therein, so that said label was false and misleading and tended to deceive the purchaser.

On May 3, 1910, the case coming on for hearing, defendant entered a plea of guilty to the above information and the court imposed a fine of \$10 and costs of prosecution.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *June 25, 1910.*

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